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6 MAY 1981 PUBLIC HEARING

Minutes

The Police Commission of the City and County of San Francisco met in the 6th Floor Auditorium, Hall of Justice, 850 Bryant Street, on Wednesday, May 6, 1981 at 1600 hours in Special Session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

PUBLIC HEARING ON APPLICATIONS TO DETERMINE PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF VEHICLE FOR HIRE PERMITS. (CONTINUED FROM THE MEETING OF APRIL 8, 1981.)

This matter was called and Police Commissioner David Sanchez requested further testimony from those parties and only two of which responded, as follows:

Mr. Darrell Solomon
Mr. William Lazar

Mr. John Dillman, whose name was mentioned during the testimony of these two gentlemen, also came to the podium and made a presentation.

After statements from Commissioner Nelder, Commissioner Murphy, and Commissioner Sanchez, with comments elicited from Deputy City Attorney Frank Redesno and Farrell Suslow of the Permit Bureau, the Commission continued the matter to May 27th, indicating a possible decision to be rendered at that time.

They also requested specific recommendations from the Department's Permit Bureau Staff to be given to them prior to the May 27th meeting.

(This meeting was recorded on cassette tapes and taken in shorthand form by Hearing Reporter Bonnie Mortley, C.S.R.)

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6 MAY 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 6, 1981 at 1700 hours, in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

The Commissioners, having received, amended and returned copies of the minutes of the meetings of April 1, 1981 and April 8, 1981, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATION OF THE TRAFFIC BUREAU

Mr. John Brusque, appeared before the Commission and said he wished to speak against the revocation of the Yellow Zone located at 2901 Webster Street. He said it is item No. 3 on today's Traffic Calendar. He said that this area is heavily used by trucks and being a locksmith with 6 clients in four blocks of this area whom he visits every day, Real Estate people, he now has an awful hard time trying to find a place to park his truck over there.

Sergeant Newlin said this was the first time he had heard an objection and that all of the proposed revocations in that area were presented to his division by the Union Street Merchants Association who has a representative present tonight. He said what he would suggest is a meeting with Mr. Brusque after the meeting and see if they can work out some type of equitable arrangement.

Commissioner Murphy then moved that the matter be held off calendar for further investigation by Sergeant Newlin and that he report back at a later date with the solution.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendation of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2781-21st STREET - ARGONDY T.V. & APPLIANCE

a) At 2781-21st Street, install a 22' yellow zone, extending from west property line 22' east of same.

3123 CLEMENT STREET - S.F.P.D. - REVOKED

a) At 3123 Clement Street, revoke existing 22' green zone, extending from east property line 22' west of same.

2901 WEBSTER STREET - S.F.P.D. -(REVOKE) - HOLD OFF CALENDAR

a) At 2901 Webster Street, revoke existing 39' yellow zone, extending from 6' to 45' north of Union Street. HOLD OFF CALENDAR.

2083 UNION STREET - S.F.P.D. - LASALLE GALLERY - REVOKED

a) At 2083 Union Street, revoke existing 34' yellow zone, extending from 43' to 77' east of Webster Street.

1823 UNION STREET - S.F.P.D. - REUNION BAR - REVOKED

a) At 1823 Union Street, revoke existing 20' yellow zone, extending from 9' to 29' west of east property line.

95 MARKET STREET - S.F.P.D. - REVOKED

a) At 95 Market Street, revoke existing 84' green zone, extending from 18' to 102' east of Spear Street.

50-70 FREMONT - S.F.P.D. - REVOKED

a) At 50-70 Fremont, revoke existing 115' yellow zone, extending from 5' south to 120' south of north property line.

51-99 - 1st STREET - S.F.P.D. - REVOKED

a) At 51-99 - 1st Street, revoke existing 213' yellow zone, extending from 50' to 263' north of Mission Street.

90 MARKET STREET - S.F.P.D. - REVOKED

a) At 90 Market Street, revoke existing 24' yellow zone, extending 24' west of Spear Street crosswalk.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 512 feet of green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 262-81

CHER CART

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cher Cart against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 26, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 263-81

ELLEN PEARSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ellen Pearson against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 23, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 264-81

JESS ROGERS AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jess Rogers and his attorney against the City and County of San Francisco in the sum of $300.00 in compromise of Superior Court Action No. 690 187 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 25, 1973

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 265-81

EVANGELINA ROSALES AND HER ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Evangelina Rosales and her attorney against the City and County of San Francisco in the sum of $14,000.00 in compromise of Superior Court Action No. 732 259 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 23, 1977

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 266-81

AUTHORIZING ATTENDANCE OF POLICE OFFICER JOHN MEEK, REPORT WRITING PROGRAM MANAGER, AT A BASIC ACADEMY REPORT WRITING INSTRUCTORS' SEMINAR, IN SACRAMENTO, CALIFORNIA, ON MAY 20, 21 AND 22, 1981.

RESOLVED, that the recommendation of the Chief of Police that Police Officer John Meek, Report Writing Program Manager, be detailed to attend a Basic Academy Report Writing Instructors' Seminar in Sacramento, California, on May 20, 21 and 22, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer John Meek, in a sum not to exceed $190.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 267-81

AUTHORIZING ATTENDANCE OF SERGEANTS PETER OTTEN AND KEVIN O'CONNOR, SEX CRIMES DETAIL, AT A SEXUALLY DEVIANT BEHAVIOR AND CRIMINAL PSYCHOLOGICAL PROFILING SEMINAR, IN NEW ORLEANS, LOUISIANA, ON MAY 12, 13 AND 14, 1981.

RESOLVED, that the recommendation of the Chief of Police that Sergeants Peter Otten and Kevin O'Connor, Sex Crimes Detail, be detailed to attend a Sexually Deviant Behavior and Criminal Psychological Profiling Seminar, in New Orleans, Louisiana, on May 12, 13, and 14, 1981, be, and the same is hereby approved; and be it further

RESOVLED, that expenses incurred by Sergeants Otten and O'Connor, in a sum not to exceed $598.00 each, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Murphy said while attending a meeting a short while ago she made a statement that she thought was correct, but she did not know whether it was or not, in that a great number of police officers were for some kind of hand gun control. She said she was then advised by another person, who was also in attendance at that meeting, that our San Francisco Police Chief was not in favor of having hand gun control and she said she would like to know just how the Chief feels about this.

Chief Murphy said what had happened is that about a year ago he said he was speaking to the same person that the Commissioner had spoke to and that person wanted him to take a position on gun control at which time, he said, he didn't really have any strong feelings one way or another and, therefore, did not take a position. He said in light of all of the serious increase of violent crime and, specifically, the increase of robberies in San Francisco and the increase in the use of hand guns throughout the nation to commit various crimes, he said that in all fairness he would have to say that his position is now starting to lean toward registration, but it would have to be a national undertaking to have any impact at all. He said this would be registration with the proviso that legislation should be created which would demand jail terms for anyone found in possession of concealable firearm weapons.

Commissioner Sanchez, on another subject, said he would like to state that all last week there was a series of events primary in the Mission District, pertaining to the Communist Red Guard, who attempted to storm both Mission High School and, at various times, Horace Mann Junior High School, and the Mission English Language School. He said many of the youngsters this party attempted to convert responded to them by demanding that they leave the area and to let the policemen do their jobs. He said these youngsters, in cooperation with the men and women of the police department, did an outstanding job. Unfortunately, he said, two of the San Francisco Police Department Officers were injured.

He said these particular individuals came prepared by wearing extra clothing for protection because they were bent on provoking a confrontation with the police and were ready to fight. He said the individuals then proceeded to attack Officer Forest Fulton, who was severely injured. When Captain Donald Taylor came to the officer's

assistance, the captain was also attacked and severely injured, along with Lieutenant Timothy Thorsen.

Chief Murphy said that on behalf of the officers who had to go to the hospital for treatment, he wanted to thank Commissioner Sanchez for his interjecting himself at the hospital because it was only after the Commissioner did that the officers received priority service.

He said another thing he wanted to mention, too, was that as many as 300 Spanish speaking people out in the Mission District physically came to the aid of the police officers and became involved in the fracas which is a major step in improving police community relations out in that district.

Commissioner Nelder said that he noted from a TV program several comments made by members of the Guardian Angels, an organization which had its beginning in New York City and has now come to San Francisco.

He asked the Chief to comment on this organization as to who would be accountable for their actions.

Chief Murphy said he had some strong reservations about the Guardian Angels in that the problems here on the Muni are all together different than those in New York City. He said the big problem he has with the Guardian Angels is their training, amount of supervision, and most of all accountability. He said the Department cannot stop them from riding the Muni and he did not know whether they would do this for free or whether they were going to be paid, or what kind of arrangement the Muni is going to make with them. He said Muni officials are more than happy about what is occurring on the Muni now with sworn officers riding the busses and the streetcars. He said San Francisco Police Officers are accountable and he did not see the need for anyone else to come to San Francisco, whether they were Guardian Angels, or Hells Angels, or whoever, because it's a police department's job to quell violence wherever it occurs. He said this department is doing it and will continue to do it.

He said he would talk to the Muni regarding this issue but they seem to be pretty well pleased with what the Police Department is now doing.

He said for now the department has half a Muni Transit Police Company and in July, a complete company will be in full force and effect.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said his report covered the previous information given to the Commission under The Commission's Report.

RECOMMENDATION OF THE CHIEF OF POLICE TO ENTER INTO A HOLD HARMLESS AGREEMENT WITH THE COUNTY OF ALAMEDA FOR USE OF THEIR FIRING RANGES AT PLEASANTON, CALIFORNIA - CONTINUED OFF CALENDAR.

Deputy Chief Shannon said that he was advised today by the Department's Legal Staff, that the City Attorney has some problems with the Hold Harmless Agreement and request that the Commission take it off calendar.

Commissioner Nelder then moved for it to be taken off calendar.

SETTING OF DATE FOR PUBLIC HEARING RELATIVE TO AMENDED PROPOSED SECONDARY EMPLOYMENT GENERAL ORDER B-3 - CONTINUED TO JUNE 10th, 1981

Deputy Chief Shannon said that he has met a couple of times with the leadership of the San Francisco Police Officers' Association prior to the item being placed on calendar, and has also met with them even after its submission to the Commission, however, they feel that they would like a one month continuance in hopes of getting some legislation passed which would affect this particular General Order.

He said he would request that it be set for hearing in the second week of June.

RESOLUTION NO. 268-81

HEARING OF INSPECTOR WILLIAM C. BIGARANI, BUREAU OF INVESTIGATIONS

WHEREAS, the date for the hearing of the disciplinary charges filed against Inspector William C. Bigarani, Bureau of Investigations, was called , it having been set for this date; and

WHEREAS, Mr. William T. Beirne, attorney for Inspector William C. Bigarani, has requested a continuance from May 6, 1981, to a convenient date in June or July, 1981; therefore be it

RESOLVED, that the request of Mr. William T. Beirne, Attorney at Law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, June 24, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 269-81

POLICE OFFICER HERBERT ALBERT, PLANNING AND RESEARCH

WHEREAS, on Friday, October 3, 1980, Cornelius P. Murphy, Chief of Police, made and served charges against Police Officer Herbert Albert, as follows:

SPECIFICATION NO. 1

Failure to Enforce the Penal Statutes. (Violation of Section 2.01 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Conduct Unbecoming and Officer Reflecting Discredit on the San Francisco Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

and

WHEREAS, the Police Commission set Wednesday, May 6, 1981, as the date for the hearing on charges filed against Police Officer Herbert Albert; and

WHEREAS, Chief of Police Cornelius P. Murphy announced that the Police Department was in receipt of the resignation of Police Officer Herbert Albert from the San Francisco Police Department; said resignation effective May 6, 1981, which resignation was accepted with the condition that the services of Police Officer Herbert Albert have been unsatisfactory and

that he does not resign in good standing; therefore be it

RESOLVED, that the charges of violating the Rules and Procedures of the San Francisco Police Department filed against Police Officer Herbert Albert, be, and the same are hereby continued off calendar.

(The entire proceedings were taken in shorthand form by Hearing Reporter Bonnie Mortley, C.S.R.)

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

HEARING OF POLICE OFFICER WILLIAM J. KELLY, MISSION POLICE STATION

The hearing of Police Officer William J. Kelly, Mission Police Station, was called, it having been set for this date. Police Officer William J. Kelly was charged with violating the Rules and Procedures, as follows:

SPECIFICATION NO. 1

Under the influence of intoxicating liquor to such an extent that he was unable to exercise police powers. (Violation of Section 2.125 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Engaged in conduct which reflected discredit upon the San Francisco Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Drawing a firearm in a public place not in the line of duty. (Violation of Section 14.07 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 4

Failure to truthfully answer questions propounded. (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

in a properly verified complaint by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

Police Officer William J. Kelly, appeared in person and was represented by Mr. Stephen Bruce Bley, Attorney at Law.

Mr. Robert Martin, Attorney at Law, appeared as the Prosecutor for the Police Department.

The reading of the Charges was waived.

Police Officer William J. Kelly, entered, through his attorney, a plea of guilty to Specifications Nos. 1 and 2, as amended, and not guilty to Specifications Nos. 3 and 4.

The following-named witnesses were called by the Defense, duly sworn and testified:

Sergeant Daniel Hallisy
Mission Police Station

Sergeant Robert F. Martinez
Mission Police Station

Closing statements were then made by both the Prosecuting and Defense Attorneys.

The Commission took the matter under submission, after which the following resolution was adopted:

RESOLUTION NO. 270-81

DECISION - HEARING OF POLICE OFFICER WILLIAM J. KELLY, MISSION POLICE STATION

WHEREAS, on February 24, 1981, Cornelius P.

Murphy, Chief of Police of the San Francisco Police Department, made and served charges against Police Officer William J. Kelly, as follows:

SPECIFICATION NO. 1

a) At all times mentioned herein, William J. Kelly, was a police officer and a member of the San Francisco Police Department;

b) On August 5, 1980 at approximately 0115 hours, while off duty, Officer Kelly was in the vicinity of Leavenworth and Sutter Streets in the City and County of San Francisco;

c) At the above time and place Officer Kelly was under the influence of an intoxicating liquor;

d) At the above mentioned time and place, Officer Kelly became involved in a confrontation with a civilian, Ms. C. Stinson;

e) During the above confrontation, Officer Kelly lost possession of his off duty revolver;

f) During the above confrontation, Ms. C. Stinson came into possession of Officer Kelly's weapon;

g) Officer Kelly failed to file a report of the loss of his off duty weapon;

h) The incident was reported by Ms. Stinson and the gun surrendered as evidence to the San Francisco Police Department;

i) By the above-stated conduct in being so intoxicated that he lost possession of his off duty revolver, Officer Kelly thereby violated Section 2.125 of the Rules and Procedures of the San Francisco Police Department, which states that a member:

2.125 "Shall not, while on duty or in uniform, drink any kind of intoxicating liquor or whether on or off duty be under the influence of intoxicating liquor to such an extent that he will not always be prepared to exercise police powers and be entrusted with the performance of police duty in a calm, deliberate and efficient manner."

SPECIFICATION NO. 2

a) Each and every allegation contained in paragraphs (a) through (h) in Specification No. 1, is hereby incorporated by reference as though fully set forth herein;

b) Deleted.

2.13 "Any breach of the peace, neglect of duty, misconduct or any conduct on the part of any member either within or without the state which tends to subvert the good order, efficiency or discipline of the department or which reflects discredit upon the department or any members thereof or that is prejudicial to the efficiency and discipline of the department, though such offenses are not specifically defined or laid down in these Rules and Procedures shall be considered unofficerlike conduct triable and punishable by the Board."

SPECIFICATION NO. 3

Deleted.

SPECIFICATION NO. 4

Deleted.

and

WHEREAS, a hearing on said charges was had before the Police Commission pursuant to Section 8.343 of the Charter of the City and County of San Francisco on Wednesday, May 6, 1981, and that on Wednesday, May 6, 1981, the matter was submitted for decision; and

WHEREAS, the Police Commission finds that the said charges made and filed against Police Officer William J. Kelly, Mission Police Station, as contained in Specification No. 1, violation of Section 2.125, and Specification No. 2, violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department, are sustained by the evidence presented at the hearing; and

WHEREAS, said charges made and filed against Police Officer William J. Kelly, Mission Police Station, as contained in Specification No. 3, violation of Section 14.07, and Specification No. 4, violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department, be, and the same are hereby deleted as requested by the Police Department's attorney and concurred in by the Chief of Police and the attorney on behalf of the defense; therefore be it

RESOLVED, that it is the order of the Police Commission that Police Officer William J. Kelly, has violated Specification No. 1, Section 2.125 and Specification No. 2, Section 2.13 of the Rules and Procedures of the San Francisco Police Department; and be it further

RESOLVED, that it is the order of the Police Commission that for violation of Specification No. 1, Section 2.125, Police Officer William J. Kelly, shall be suspended for a period of thirty (30) calendar days without pay, and be it further

RESOLVED, that it is the order of the Police Commission that for violation of Specification No. 2, Section 2.13 of the Rules and Procedures of the San Francisco Police Department, Police Officer William J. Kelly, shall be suspended for a period of fifteen (15) calendar days without pay; and be it further

RESOLVED, that siad suspensions are to run consecutively, commencing Thursday, May 7, 1981 at 0001 hours, and terminating at 2400 hours, Saturday, June 20, 1981; and be it further

RESOLVED, that it is the order of the Police Commission that Police Officer William J. Kelly, participate in an Alcoholic Anonymous Program as designated and sanctioned by the Chief of Police of the San Francisco Police Department.

(The entire proceedings were taken in shorthand form by Hearing Reporter

Bonnie Mortley, C.S.R.)

Recesses taken during the hearing of
Police Officer William J. Kelly:

1830 hours to 1835 hours
1855 hours to 1926 hours.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

The Commission then adjourned its meeting at 7:30 p.m.

SECRETARY

13 MAY 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice,850 Bryant Street, on Wednesday, May 13, 1981 at 1700 hours, in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

Commissioner Sanchez presiding.

DOCUMENTS DEPT.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets be, and the same are hereby approved:

1002 TREAT - JACK TRUX

a) At 1002 Treat, install a 22' yellow zone, extending from end of red zone at fire hydrant 22' south of same.

1200 SANSOME STREET - LEVI'S PLAZA

a) At 1200 Sansome Street, install a 22' blue zone, at 1st parking place north of Union Street.

1308 SANSOME STREET - LEVI'S PLAZA

a) At 1308 Sansome Street, install a 22' blue zone, by ramp that leads to Plaza.

1299 BATTERY STREET - LEVI'S PLAZA

a) At 1299 Battery Street, install a 22' blue zone, extending south of Greenwich 1 parking place.

1101 BATTERY STREET - LEVI'S PLAZA

a) At 1101 Battery Street, install a 22' blue zone, one (1) parking spot north of Union Street.

#2 UNION STREET - LEVI'S PLAZA

a) At #2 Union Street, install a 22' blue zone, 1 parking space west of Front Street.

198 GREENWICH STREET - LEVI'S PLAZA

a) At 198 Greenwich Street, install a 22' blue zone, 1 parking space east of Sansome Street.

90 DORMAN - BAY ELECTRIC

a) At 90 Dorman, install a 40' yellow zone, extending from east building line 40' west of same.

5191-3rd STREET - HOMEWOOD BUILDERS LTD.

a) At 5191-3rd Street, install a 22' yellow zone, extending from north building line 22' south of same.

4121-19th STREET - CASTRO VILLAGE WINE CO.

a) At 4121-19th Street, install a 22' yellow zone, extending from west property line 22' east of same.

51 GRANT AVENUE - CIVIL AVIATION AERONAUTICS COMMISSION

a) At 51 Grant Avenue, install a 36' white zone, extending from south property line 36' north of same.

b) At 51 Grant Avenue, revoke existing 36' yellow zone, extending from south building line 36' north of same.

59 OCEAN AVENUE - SHIC HARDWARE - REVOKED

a) At 59 Ocean Avenue, revoke existing 24' yellow zone, extending from west building line 24' east of same.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 60 feet of yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 271-81

TIM BENNETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Tim Bennett against the City and County of San Francisco in the sum of $45.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 8, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 272-81

EDNA GIRARD, ET AL

RESOLVED, that the recommendation of the City Attorney for settlement of litigation

of Edna Girard, et al., in the sum of $8,750.00 in United States District Court No. C-78-0585, entitled Edna Girard, et al, vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date Of Incident: November 11, 1977

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 273-81

POLICE CONTINGENT FUND - APPROVED

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Cornelius P. Murphy, in the amount of $6,000.00 charging same to Index Code 580217 as an advance on the Police Contingent Fund for the month of May,1981.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 274-81

AUTHORIZING ATTENDANCE OF ASSISTANT CRIMINALIST, DEBBIE WAKIDA, SUPPORT SERVICES BUREAU, CRIMINALISTICS DIVISION, AT THE SEMI-ANNUAL SEMINAR AT PASADENA, CALIFORNIA, FROM MAY 15,1981 TO MAY 17, 1981.

RESOLVED, that the recommendation of the Chief of Police that Assistant Criminalist Debbie Wakida, Support Services Bureau, Criminalistics Division, be detailed to attend the Semi-Annual Seminar at Pasadena, California, from May 15, 1981 to May 17, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses not to exceed $330.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

POLICE COMMISSION REPORT

Commissioner Nelder gave a report on the 58th Annual Inspection of the San Francisco School Traffic Patrol.

He said Commissioner Toler was also in attendance with Deputy Chief Ryan and many other officers who participated in this program. He said on behalf of the Mayor and the Commission, he commended the members of the School Safety Patrol for doing an outstanding job.

He continued by saying that as everyone knows there hasn't been a fatality, or serious accident near, or about, the schools in the 58 years of its existence. He said it is always an affair that he likes to attend and yesterday's was just as outstanding as all of the others. He said he personally made it known to the participants that the city is indebted to them for doing such an outstanding job.

Commissioner Sanchez said, on another subject, he just wanted to point out that on Monday, May 11th at 12 noon at Civic Center Plaza, was the opening of National Police Week. He said the Staff and members assigned out there did an outstanding job along with the various participants from outside police agencies.

Mr. John Bracco, Anheuser Busch Corporation, he said, was there and donated a horse to the Police Department.

He said the Commission, at this time, wanted to thank the Anheuser Busch Corporation and, also, all of those who participated on Monday, and throughout the week.

It was also pointed out that National Police Week would end this Sunday, with a Police and Fire Mass to be celebrated at St. Mary's Cathedral to be concluded with a Police Family Day Picnic which will be held at the Police Firing Range out at Lake Merced.

CHIEF'S REPORT TO THE POLICE COMMISSION

Deputy Chief Shannon, representing Chief Murphy, said his report this week would be on the awarding of the Traffic Officer of the Month Award, which is to be given to Police Officer Alan McCann. He said Officer McCann has been with the Department since 1973 and has been assigned to the Solo/Motorcycles since October of last year. He said the Officer,

so far this month, has made three arrests, issued 246 moving violations and for this year issued a total of 650 moving violations. He said he has also made a total of 600 arrests for this year.

He then introduced Mr. Frank Simon from the Chamber of Commerce who then made the presentation to the Officer. The Award included two days at the St. Francis Hotel here in the City, dinner for two at Jovanello's on Sansome Street, dinner for two at Trader Vic's and a picture of the City of San Francisco. He said it should also be noted that there is a Billboard at 8th and Bryant Streets, with a picture of the officer indicating that he had been selected as Traffic Officer for the Month.

The Commissioners each commented on the officers achievement and indicated their overall approval on his endeavors.

RECOMMENDATION OF THE CHIEF OF POLICE TO CANCEL GENERAL ORDER N-1, OF JUNE 27, 1978, PATROL COMMANDER DUTIES.

Deputy Chief Shannon said when this order was issued in 1978, the concept was that the Patrol Commander's duties would be a nightly function. He said since that time those duties have been totally re-organzied and he is now asking to cancel this particular General Order. He said the night captains will be responsible for the functions originally outlined in the order, but it will be mainly a Field Operations task. He said once the order has been cancelled, Deputy Chief Ryan will issue the specific orders to the particular captain assigned to work nights.

Commissioner Nelder moved for approval to cancel and it was seconded by Commissioner Daly and unanimously approved.

RESOLUTION NO. 275-81

CANCELLATION OF GENERAL ORDER N-1, PATROL COMMANDER DUTIES - APPROVED

RESOLVED, that the Police Commission hereby cancels General Order N-1 of June 27,1978, Patrol Commander Duties.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

AMENDING CHAPTER VIII, SAN FRANCISCO MUNICIPAL POLICE CODE, BY ADDING SECTION 366.1, THERETO, RELATING TO THE ISSUANCE OF PERMITS FOR ATHLETIC EVENTS CONDUCTED ON PUBLIC STREETS.

Deputy Chief Ryan, in speaking to the proposed amendment, said that it is a separation of the Parade Athletic Event Ordinance which was presented to the Commission approximately two (2) years ago. He said he and representatives of the City Attorney's Office met with people from the American Civil Liberties Union. He said the Ordinance as originally proposed, was all-encompassing and included athletic events which occurred on the streets of the city, traditional parades, demonstrations and organized rallies. He said during lengthy discussions with the Civil Liberties Union, they indicated that they would have no problems with the portion of the ordinance that dealt strictly with athletic events but they did have very serious areas of dispute with the section of the ordinance that controls, or required permits for parades. He said he had just received a revised version from the City Attorney's Office tonight and the parade section has definitely been severed. He said it looks like a good ordinance and one that the City really needs.

After further discussion, the Commission voted to continue it for one (1) week and asked for additional information as to cost for the various athletic events with related cost to the police department for policing them.

NOTIFICATION OF REVOCATION OF MOTOR VEHICLE FOR HIRE PERMIT HAS BEEN SENT TO MR. EDMUND L. JUNG FOR FAILURE TO COMPLY WITH VARIOUS SECTIONS OF THE POLICE CODE. (CONTINUED FROM THE MEETING OF DECEMBER 17, 1980).

Officer Lamont Suslow said that he had been presented a Certificate of Insurance from Mr. Edmund L. Jung for Mr. Jung's third Motorized Rickshaw Permit. He said at this time the Police Department would recommend a withdrawal of the revocation procedures.

Commissioner Nelder said that in the light of Mr. Jung's compliance with the requirement of the Police Code in that the proper documents had been filed, he would move that the revocation procedures be taken off calendar.

Mr. Jung then presented some materials to the Commission about his operation and requested he be

allowed to operate his Rickshaw business on a seasonal basis.

The Commission noted that the Police Code granted the Commission the authority to do this and Commissioner Nelder also noted that the Department had no opposition to this proposal, recommended approval because as he said, there are indications that the number of tourist to the city has declined during the last year.

He then suggested that Mr. Jung's request for a seasonal operation be treated as a separate item and placed on the Calendar for next week's meeting with a proposed resolution for the Commission's consideration at that time.

PUBLIC HEARING RELATIVE TO THE NEW RULES AND PROCEDURES FOR PATROL SPECIAL OFFICERS, AND NEW UNIFORM AND EQUIPMENT SPECIFICATIONS FOR PATROL SPECIAL OFFICERS.

Deputy Chief Shannon requested that this item be continued to June 10, 1981, as he and Mr. Margolin, the attorney for the Patrol Special Officers, are having a meeting tomorrow and have also scheduled another meeting if that one is not satisfactory for the day he returns from his vacation. He said so, hopefully, by June 10th, everything will be set for the Commission to act upon.

It was then continued for June 10th.

Commissioner Nelder then moved for adjournment and stated, "In so moving we don't want to overlook the fact that the POPE was shot today and I think that it is a sickness that permeates the whole world. Not too long ago we had the President shot and other people shot for no reason at all. I think that today it simply points out that nobody is immune from these kinds of attacks and so, Mr. President, I would like to move for adjournment and also offer our good thoughts and prayers in hopes that the POPE recovers from the assault committed upon his person today."

The Commission then adjourned its meeting at 5:55 p.m.

Willie E. Frazier

SECRETARY

20 MAY 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 20, 1981 at 1700 hours, in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

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Commissioner Sanchez presiding.

The Commissioners, having received, amended, and returned copies of the minutes of the meeting of April 15, 1981, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

404-424 FRANKLIN STREET - S.F.P.D.

a) At 404-424 Franklin Street, remove meters FRA 404 & FRA 424 and replace with two 22' blue zones.

2055 FOLSOM STREET - VIACOM CABLEVISION

a) At 2055 Folsom Street, install a 54' green zone, extending from 22' to 76' south of north building line (between driveways).

610 LEAVENWORTH STREET - 610 LEAVENWORTH APARTMENTS

a) At 610 Leavenworth Street, install a 22' white zone, extending from 44' to 66' north of south property line.

1325-18th AVENUE - JEFFERSON SCHOOL AGE CHILDREN'S CENTER

a) At 1325-18th Avenue, install a 26' white zone, extending from 36' to 62' north of south property line.

1350-25th AVENUE - JEFFERSON NURSERY CHILDREN CENTER

a) At 1350-25th Avenue, install a 40' white zone, extending from 30' to 70' north of south building line.

22-4th STREET - SAN FRANCISCO APPAREL MART

a) At 22-4th Street, install a 36' white zone, extending from north property line 36' south of same.

1737 HAIGHT STREET - KANSAS CITY HICKORY PIT

a) At 1737 Haight Street, install a 34' yellow zone, extending from 22' to 56' east of west property line meter #1713.

427 BATTERY STREET - DEEM SUM INTERNATIONAL, INC.

a) At 427 Battery Street, install a 44' white zone, extending from 6' to 50' south of north building line.

b) Revoke existing STLZ 7 AM to 11 AM and meters #407-411 to be removed.

53 STEVENSON STREET - YANK SING RESTAURANT(ICF INC.)

a) At 53 Stevenson Street, revoke existing 24' yellow zone, extending from east property line 24' west of same.

b) Replace with 24' white zone, extending from east property line 24' west of same.

144 LEAVENWORTH STREET - S.F.P.D. - REVOKED

a) At 144 Leavenworth Street, revoke existing 21' yellow zone, extending from north building line 21' south of same.

760 BROADWAY - S.F.P.D. - REVOKED

a) At 760 Broadway, revoke existing 18' white zone, extending from 4' to 22' east of west building line.

708 BUSH STREET - CAFE MOZART - DENIED

a) At 708 Bush Street, install a 44' white zone, extending from 28' to 72' west of Powell Street. DENIED.

b) Meters 704 to 708 to be removed. DENIED.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 63 feet of white and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 301-81

ROBERT L. BAIRD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert L. Baird against the City and County of San Francisco in the sum of $40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 9, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 302-81

KENNETH AKINAKA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Kenneth Akinaka against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 303-81

ROBERT B. McNAIR

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert B. McNair against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 2, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 304-81

JOHN WARD & ALLSTATE
INSURANCE COMPANY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of John Ward and Allstate Insurance Company against the City and County of San Francisco in the sum of $2,443.14 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 24, 1980

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 305-81

L. LAURENCE GLAZIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of L. Laurence Glazier against the City and County of San Francisco in the sum of $751.85 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: March 16, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 306-81

MOHAMMED E. HAQ

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mohammed E. Haq against the City and County of San Francisco in the sum of $563.94 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: May 12, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 277-81

HAL H. BERMAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Hal H. Berman against the City and County of San Francisco in the sum of $795.90 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: February 9, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 278-81

SAM POSNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sam Posner against the City and County of San Francisco in the sum of $666.04 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: December 18, 1980

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 279-81

CAROL R. LEONARD

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol R. Leonard against the City and County of San Francisco in the sum of $200.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 12, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 280-81

BRICKER'S SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Bricker's Service against the City and County of San Francisco in the sum of $35.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 24, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 282-81

EDWARD HSU

RESOLVED that the recommendation of the City Attorney for settlement of the claim of Edward Hsu againat the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 4, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 283-81

WALTER M. COUGHLIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Walter M. Coughlin against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 31, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 284-81

RUTH BOEREFIJN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ruth Boerefijn against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 24, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 285-81

SYDNEY BLOCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sydney Bloch against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 21, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 286-81

RUTH BOEREFIJN

RESOLVED, that the recomendation of the City Attorney for settlement of the claim of Ruth Boerefijn against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 287-81

MALCOLM KUSHNER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Malcolm Kushner against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 288-81

MICHAEL SMITH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Michael Smith against the City and County of San Francisco in the sum of $40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 23, 1981

AYES: Commissioners Daly,Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 289-81

THOMAS Y. W. WONG

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas Y. W. Wong against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 13, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 290-81

CHANH H. QUACH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Chanh H. Quach against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 17, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 291-81

BARRY M. SHEA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Barry M. Shea against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 292-81

RONALD R. McCLAIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ronald R. McClain against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: January 14, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 293-81

BRYAN R. WINN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim fo Bryan R. Winn against the City and County of San Francisco in the sum of $45.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 17, 1981

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 281-81

DANIEL R. ANDERSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Daniel R. Anderson against the City and County of San Francisco in the sum of $773.00 in Compromise of Superior Court Action No. 690-952 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 19, 1974

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 294-81

VINCENT MORECI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Vincent Moreci in the sum of $2,250.00 in Compromise of

Municipal Court Action No. 782-207 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: November 1, 1976

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 295-81

MARK CARLSON

RESOLVED, that the recommendation of the City Attorney for settlement of litigation of Mark Carlson in the sum of $5,000.00 in Superior Court Action No. 754 922, entitled, "Mark Carlson, et al, vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: October 31, 1978

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 296-81

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sergeant Alan W. Benner	$140.00	(Stress Study Workshop, (Sacramento, California, (from April 21, 1981 to (April 22, 1981.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 297-81

AUTHORIZING ATTENDANCE OF INSPECTOR LLOYD CUNNINGHAM, FRAUD DETAIL, AT THE 66th ANNUAL CONFERENCE OF THE INTERNATIONAL ASSOCIATION FOR IDENTIFICATIONS' QUESTIONED DOCUMENTS WORKSHOP, IN SANTA MONICA, CALIFORNIA, FROM MAY 25, 1981 TO MAY 28, 1981.

RESOLVED, that the recommendation of the Chief of Police that Inspector Lloyd Cunningham, Fraud Detail, be detailed to attend the 66th Annual Conference of the International Association for Identifications' Questioned Documents Workshop, in Santa Monica, California, from May 25, 1981 to May 28, 1981; be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector Lloyd Cunningham, Fraud Detail, in a sum not to exceed $365.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 299-81

AUTHORIZING ATTENDANCE OF SERGEANT ALAN BENNER, RECRUITMENT AND RETENTION UNIT, AT A CURRICULUM DEVELOPMENT MEETING ON STRESS, IN LOS ANGELES, CALIFORNIA, ON JUNE 3, 1981

RESOLVED, that the recommendation of the Chief of Police that Sergeant Alan Benner, Recruitment and Retention Unit, be, detailed to attend a Curriculum Development Meeting on Stress in Los Angeles, California, on June 3, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Alan Benner in a sum not to exceed $112.00 will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 298-81

AUTHORIZING ATTENDANCE OF SERGEANT GLENN PENNEBAKER AND OFFICERS MICHAEL GRIFFIN AND JERRY SALVADOR, POLICE ACADEMY, AT THE ADVANCED SPECIAL WEAPONS AND TACTICS COURSE, IN OROVILLE, CALIFORNIA, FROM MAY 26, 1981 TO MAY 29, 1981

RESOLVED, that the recommendation of the Chief of Police that Sergeant Glenn Pennebaker and Officers Michael Griffin and Jerry Salvador, Police Academy, be detailed to attend the Advanced Special Weapons and Tactics Course, in Oroville, California, from May 26, 1981 to May 29, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Glenn Pennebaker and Officers Griffin and Salvador, in a sum not to exceed $540.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

RESOLUTION NO. 300-81

AUTHORIZING ATTENDANCE OF INSPECTORS JAMES ARNOLD, THOMAS PETRINI AND JOHN WILLETT, GENERAL WORKS DETAIL, AT THE SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE, IN SACRAMENTO, CALIFORNIA, FROM JUNE 1, 1981 TO JUNE 5,1981

RESOLVED, that the recommendation of the Chief of Police that Inspector James Arnold, Thomas Petrini and John Willett, General Works Detail, be detailed to attend the Specialized Surveillance Equipment Training course in Sacramento, California, from June 1, 1981 to June 5, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspectors Arnold, Petrini and Willett, in a sum not to exceed $292.00 each, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

POLICE COMMISSION REPORT

Discussion re Public Utilities Commission request for Police Commission comments relating to proposed legislation to negotiate a discount with taxi operators on the face value of script collected from qualified handicapped users.

Commissioner Sanchez said that this was just presented to the Commission and asked if there were any speakers in the audience who wished to discuss it.

Mr. Thomas Rickert, Staff Person for the Municipal Railway and Elderly Handicapped Services, said this legislation would permit them to negotiate with participating Taxi Cab Companies to obtain an unspecificed discount which would be drawn up between the Public Utilities and the participating Taxi Companies which is already sold at a discount to handicapped users of taxis. He said funds are being set aside from various sources for this taxi program.

Mr. James Steele of Yellow Cab Co-op, stated that his company is one of two who has tentatively agreed to the discount. He said as of todate, Luxor and Yellow have been the only two companies to make overtures to this proposal. He said Yellow has been participating with the para-transit for some time now. His understanding, he said, is that without this enabling legislation all parties would not be able to enter into this agreement.

Mr. Bill Lazar, President of Luxor Cab Company, said that he concurred with Mr. Steele and that representatives of both cab companies had been working with this Para-Transit Council for almost two years and has now come to an agreement where script could be sold to the elderly and the handicapped.

Chief Murphy said he would concur with a motion from the Commission approving the proposed legislation as it would have no adverse impact upon the operations of the Police Department.

Commissioner Nelder said in accordance with the Chief's recommendation the Police Commission should dispose of this matter this evening. He then moved for approval of the legislation based upon Chief Murphy's comments in that it would have no adverse impact upon the operations of the Police Department.

The motion was then unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy advised the Commission that he had no report for them tonight but he would be happy to answer any questions.

Commissioner Toler then said he had a question in that he had heard, via the news media, that the Department was losing well trained officers to other communities and requested comments on this from the Chief.

The Chief said what the Department is losing is some of the officers who entered the Department, completed Academy Training and then partially completed the FTO Program for one reason or another have resigned, or have been terminated and thereafter are, in fact, applying to other police departments. He said however, the department is not losing an inordinate amount of experienced, qualified or well trained officers.

Commissioner Sanchez said at this time he would like to comment on the activities that occurred this past week in the City and County of San Francisco. He said he just wanted to congratulate the Department and Police Officers' Associations' and the Archbishop for having a very special day, namely, Sunday, on behalf of not only the San Francisco Police Department but also the Fire Department and the related agencies i.e., the Airport, Hospital Police, etcetera. He said the attendance at the Mass was very good. There were many, many families in attendance paying their respects and, he said, there was an excellent sermon given by Father Heaney and, thereafter, coffee and doughnuts provided by both assocations for families and others who attended the service.

He said later in the day there was an outstanding picnic at the Police Department's Pistol Range, which, again, was attended by many families and outside law enforcement agencies. So, he said, on behalf of the Commission he would like to thank the Department and the respective agencies for doing an outstanding job on behalf of law enforcement services in the city.

RECEIPT OF GENERAL ORDER - CODE THREE AND PURSUIT DRIVING. (COPIES SENT TO EMPLOYEE ORGANIZATIONS) CONTINUED TO JUNE 10, 1981.

Lieutenant Frazier said a letter was received this date from the San Francisco Police Officers' Association requesting a Meet and Confer Session on this item before it is given final consideration and adopted by the Commission.

The Commission then agreed to continue the matter for three weeks for the purpose of a Meet and Confer Session during the period of this continuance.

AMENDING CHAPTER VIII, SAN FRANCISCO MUNICIPAL POLICE CODE, BY ADDING SECTION 366.1 THERETO, RELATING TO THE ISSUANCE OF PERMITS FOR ATHLETIC EVENTS CONDUCTED ON PUBLIC STREETS. (CONTINUED FROM THE MEETING OF MAY 13, 1981). - CONTINUED FOR TWO (2) WEEKS.

Deputy Chief Ryan said last week he presented each Commissioners with a copy of the proposed ordnance. He continued by saying the reason for the revision of the proposed ordnance is because of certain problems occurring with the ACLU as it had contained in the past fees to be paid for parades, demonstrations and Constitutionally protected issues. He said the ACLU has no problems at this time with the ordnance as it now stands.

After much discussion on the matter Commissioner Nelder said he did not see how the Department could pursue it and that, personally, he had some reservations about it.

Chief Murphy said his interest was to at least pursue the amount of overtime used by the Department to police events such as outlined in the ordnance.

Commissioner Nelder then suggested that it be continued for two weeks and in the interim have someone research the last three years to see how much time and manpower was necessary for the policing of those events. He said he felt this would determine whether it is worth pursuing.

Commissioner Sanchez said along those lines certain events are now forthcoming such as one next month sponsored by KGO Radio to benefit the Recreation Center for the Handicapped, the Walkathon for the March of Dimes, and both are considered an athletic event, and if the Commission can have some information on this, and the justification for police services, then we may be able to see if the Commission should approve, or not approve, this legislation.

It was then moved that the matter be continued for two weeks and unanimously approved for that time.

REQUEST OF MR. EDMUND L. JUNG FOR PERMISSION TO OPERATE HIS RICKSHAW PERMITS ON A SEASONAL BASIS ONLY.

Officer Suslow of the Permit Bureau, said the matter was discussed last week and on the request of the Commission a Resolution was prepared to allow for Mr. Jung to work on a seasonal basis. He said the Department didn't have any objection to it and, therefore, recommend approval.

Commissioner Nelder then moved for approval and the following resolution was adopted:

RESOLUTION NO. 307-81

AUTHORIZING MR. EDMUND L. JUNG TO OPERATE HIS MOTORIZED RICKSHAW PERMITS ON A SEASONAL BASIS ONLY.

WHEREAS, Mr. Edmund L. Jung, owner of motorized rickshaw permits Nos. MR-1, MR-2, and MR-3, requests to operate his permits on a seasonal basis only; and

WHEREAS, Mr. Jung states that the reason for this request is that during the times when the tourists are not frequenting the City and County, that to operate his business he has to pay for insurance and other necessities, and does not realize a fair and equitable income from his business during these times; and

WHEREAS, pursuant to Section 1079.1 of the Municipal Police Code quoted herewith stating in part, "the Police Commission is authorized to allow

the permits of a motorized rickshaw or motorized rickshaws to suspend operation during those times when in the judgment of the Police Commission public convenience and necessity would not suffer; and

WHEREAS, in accordance with the legal opinion from the Police Department's Legal Office, which concurs with the above quoted section of the Police Code, in that the Police Commission may examine the prevailing weather conditions and tourists levels and authorize the operation of motorized rickshaws on other than a daily, throughout the year, basis which could include a suspension of operation for more than ninety days; and

WHEREAS, the Police Commission in granting Mr. Jung's request to operate on a seasonal basis does not authorize Mr. Jung to assign or transfer his permits for operation by another party during slack periods; therefore be it

RESOLVED, that the Police Commission finds that public convenience and necessity would not be adversely affected by requiring daily and regular operation of these permits during the period of June 1 through September 15 of each year only; and be it further

RESOLVED, that Mr. Jung's operation of his motorized rickshaw permits shall only be permitted between June 1 and September 15 inclusive, of each year.

AYES: Commissioners Daly, Nelder, Toler, Sanchez

ABSENT: Commissioner Murphy

REQUESTING APPROVAL OF THE POLICE COMMISSION BY MRS. ALICE CONNOLLY, WIFE OF DECEASED, PATROL SPECIAL OFFICER THOMAS E. CONNOLLY, JR., TO SELL PATROL SPECIAL BEAT NO. 28, SOUTHERN POLICE DISTRICT, TO PATROL SPECIAL OFFICER ARTHUR TORRES, JR.

Mrs. Connolly, not feeling well enough to attend this meeting, requested through Officer Wassil Rolovich, Liaison Officer, between the Department and Patrol Special Officers, a continuance of two weeks and at that time if she is not able to attend, permission is requested to send a representative with Power of Attorney to act in her behalf and negotiate the sale and transfer of the Patrol Special Beat.

The Commission then approved this request.

LIEUTENANT FRANK JORDAN, PROJECT S.A.F.E.

This item was removed from the calendar at the request of the Chief.

PUBLIC HEARING ON APPLICATIONS TO DETERMINE PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF NEW JITNEY PERMITS.

Commissioner Sanchez said before proceeding with this item he called for an added item on the calendar to be heard at this time. It was then learned that a request, by the parties to the added item, had been submitted requesting a two week continuance.

The Commission, in acknowledging this request, continued the matter for two weeks.

PROPOSAL TO FUND THE SENIOR-OUTREACH PROGRAM FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - PUBLIC SERVICES, FOR THE PERIOD JANUARY 1, THROUGH DECEMBER 13, 1982. - CONTINUED FOR TWO WEEKS.

The Commission then returned to item #10.

PUBLIC HEARING ON APPLICATIONS TO DETERMINE PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF NEW JITNEY PERMITS.

Commissioner Sanchez then said: "The Commission will now proceed to hear those speakers who are speaking for, or against, the issuing of additional permits and the need because of whatever reasons are presented to us this evening.

I think in fairness to everyone here there has been some discussions by other related City agencies pertaining to expansion, or creation, however, one looks at it of new routes going from, I believe, the Embarcadero down to Pier 39, etcetera. So if, in fact, you wish to speak in favor of having additional permits, please cite the reasons for it because that's really what we are here this evening for, is to hear

the justification on if, in fact, the Commission does find public needs and necessity is not being met and, therefore, we would have to expand the number of permits issued by the department."

Officer Farrell Suslow of the Permit Bureau: "We suggest that the Commission, in consistency with other Public Convenience and Necessity Hearings and those procedures, hear from the applicants first in the order of which those applications were filed and then, after those, after those, other persons who are obviously "Pro" and subsequently those who are "Con."

The parties, applicants, those who were "Pro" and those who were "Con", are listed in the following order:

List of Jitney Bus applicants in order of receipt of application:

Order #	Name	Requested Route
*1. Present	Kwan, Tse San	Route not defined in Police Code.
2. Absent	Nakagoshi, Candace C.	Third Street.
3. Present	Wood Homer	Third Street.
4. Absent	David, Antonio M.	Mission Street.
5. Absent	Inghelram, Thomas Joseph	Mission Street.
*6. Present	Kwan, Tse San	Downtown/Fisherman's Wharf
7. Present	Wong, Gin Toy	Downtown/Fisherman's Wharf
8. Present	Chan, James H.N.	Downtown/Fisherman's Wharf
9. Present	DeGusman, Cirilo M. Jr.	Mission Street.
10. Present	Cabahit, Leonilo S.	Mission Street.
11. Absent	Carrillo, Augusto O.	Downtown/Fisherman's Wharf
12. Absent	Carrillo, Mauricio	Downtown/Fisherman's Wharf
13. Absent	Quinones, Edgar S.	Downtown/Fisherman's Wharf

*Same Applicant.

PRO

1.	Glenn Erickson	City Planning
2.	Stanley Fong	Jitney Operator
3.	Maxine Garcia	Jitney Operator
4.	Abraham Endzweig	Jitney Operator
5.	Howard Goldstein	Jitney Operator
6.	Christopher Martin	Fisherman's Wharf Association
7.	Michael DePilla	Jitney Operator

CON

1.	James Steele	Yellow Cab Co.
2.	Marv Gralnick	DeSoto Cab Co.
3.	Nathan DeLuryea	Yellow Cab
4.	Herb Meier	Jitney Operator
5.	Gus A. Menascalco	Jitney Operator
6.	Maxie Garcia	Jitney Operator
7.	Richard Romero	

Commissioner Sanchez: "Okay, at this point the Commission has closed off Public Discussion and Debate pertaining to Public Necessity and Convenience Hearings, which were scheduled this evening, which was part of our requirement to fulfill along with Proposition K.

Chief, would you like to make any statement along with what you have heard today and, perhaps, any recommendation for the Commission at this point?"

Chief Murphy: "I would request that the Commission put this matter off calendar for two weeks to that Staff could make further surveys into the Public Convenience and Necessity and make a determination as to how many applicants might, or might not, be involved, or interested in pursuing, or extending the three routes thatt have been approved by the Board of Supervisors. I would like additional time for Staff to look into the matter."

Commissioner Nelder: "I think that is a very good recommendation, because this program and plan would be set for some 6 months test period as we understand it, so I think that the Chief's recommendation is a good one, that the Staff take it under study and submit their recommendations on, say two weeks from tonight, which would be June 3rd and make a recommendation from a standpoint of implementation at that time to meet the demands of the 6 month test period. So I move that."

Commissioner Sanchez: "Fine, that is a motion by Commissioner Nelder, second by Commissioner Toler, discussion? I would just like to state this prior to the vote itself, this evening we have heard a number of things pertaining to both sides of the aisle, so to speak, and a number of questions raised which Staff must review in order to give the Commission the information needed so we may make a rational decision pertaining to this very important request, and I know many statements were made and people would like to respond, etcetera, and so forth.

As we said it was set for public hearing this evening, we have concluded this. If, in fact, any of you wish to make additional statements you have the opportunity to put something in writing and submit it to Lieutenant Frazier of the Police Commission or/and the Chief, and this way we will have it for review when the Commission does take action either for, or against, on the June 3rd meeting. But this is, again, in compliance with the Public Necessity Hearings we must hold and, therefore, we will not take any action until after the Chief and the Department has had time to review a number of matters which have been raised this evening, questions, issues, etcetera, and Staff will be coming in with a full report along with some options for us to consider as a Commission on June 3rd.

We thank all of you for participating and for coming down, and for voicing your opinion this evening, again, you have the option of putting any additional thoughts in writing and forwarding them to the Chief, and to Lieutenant Frazier, so the Commission may have any information that you feel you have forgotten, or you would like to add, if there is no further discussion by the Commission, I would call the 'Question,' all in favor say Aye! (Unanimous Ayes.) Opposed?

Okay, this matter is held over for two weeks and will be acted upon on June 3rd, thank you for coming."

Commissioner Nelder: "I move adjournment."

Commissioner Sanchez: "There is a motion for adjournment, is there a second, Commissioner Toler second, all in favor say Aye! (Unanimous Ayes). Opposed? Meetings adjourned.

The Commission adjourned its meeting at 8:00 p.m.

Willie E. Ingram

SECRETARY

27 MAY 1981 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 27, 1981 at 1600 hours, in Special Session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

DOCUMENTS DEPT.

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Commissioner Sanchez presiding.

COMMISSION DISCUSSION ON APPLICATIONS TO DETERMINE PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF VEHICLE FOR HIRE PERMITS. (CONTINUED FROM THE MEETING OF MAY 6, 1981.) - CONTINUED TO JUNE 10, 1981 FOR DISCUSSION ON CRITERIA.

Commissioner Sanchez said for the benefit of those here this afternoon, this hearing is for the purpose of allowing the Commissioners to discuss, among themselves, the many hours of testimony and staff work presented at previous hearings on this agenda item.

He then asked Department Staff if there were any additional recommendations and, if so, please present them to the Commission at this time.

Deputy Chief Stanley Cordes, Chief of the Department's Support Services Bureau, then read and submitted a written report which stated that no additional taxicab permits should be issued because of the following reasons:

"1. Taxicab service to the airport is excessive.

2. Taxicab service to the downtown area is abundant.

3. Taxicab service to the major hotels and bus terminals is abundant.

4. Tourism in San Francisco is approximately down 7 percent per the Chamber of Commerce.

5. Airport passenger traffic is down 10 percent.

6. San Francisco population is down and has been decreasing for the last 30 years.

7. Only one complaint for lack of service by taxicabs was registered during the calendar year of 1980.

8. Other forms of transportation are putting an economic drain on the existing taxicab drivers.

9. Staff did find that servicing to some outlying neighborhoods is haphazard and occasionally lacking.

That's Staff's commission report, Commissioners."

Commissioner Sanchez then thanked the Deputy Chief for his presentation and then asked his fellow Commissioners to begin the discussion.

The matter was discussed in great detail by all of the Commissioners, after which the following resolution was adopted.

RESOLUTION NO. 325-81

FINDINGS AND DECISION OF THE POLICE COMMISSION IN THE HEARING ON APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF TAXICABS.

WHEREAS, the attached list of persons applied to the Police Commission for a declaration by the Commission of Public Convenience and Necessity for the issuance of a permit for operation of a taxicab in the City and County of San Francisco.

WHEREAS, this matter came on for hearing before the Police Commission of the City and County of San Francisco on February 11, 1981, and hearings continued at intervals until and including May 6, 1981; and

WHEREAS, many applicants appeared before the Commission and some presented documentary evidence in support of their applications; and

WHEREAS, various persons testified in opposition to the granting of additional permits and documentary evidence in support of their position was presented to the Commission; and

WHEREAS, Police Department Staff, at the request of the Police Commission, conducted a survey of the prevailing conditions involving taxicab transportation in the City and County of San Francisco and submitted documentary evidence to assist the Commission in arriving at its decision; and

WHEREAS, the law requires that in order for a declaration of public convenience and necessity to be made, the applicant shall have the burden of proof to establish by clear and convincing evidence that public convenience and necessity require the operation of the vehicle for which permit application is made; and

WHEREAS, existing permit holders are, under normal conditions, inadequately serving the public in that prior to the emergence of Proposition K there were approximately 711 taxicab permits in the City and County of San Francisco; and

WHEREAS, the Commission has determined that since the advent of Proposition K the number of taxicab permits has gradually decreased to 692 and should be raised to the original level of 711; therefore be it

RESOLVED, that it is the decision of the Commission to issue 19 new taxicab permits to bring the number back up to 711 taxicab permits for the City and County of San Francisco; and be it further

RESOLVED, that said permits shall be granted under, and shall be revocable under, criteria and standards published by the Commission in conjunction with the applicable sections of the San Francisco Municipal Code.

(Copy of list on file in the Police Commission Office.)

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez said the Commission will now set two weeks from todays date to discuss Standards and Criteria which will be used as a measure to select qualified applicants for said permits to be issued by the Commission.

27 MAY 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, May 27, 1981 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

The Commissioners,having received, amended and returned copies of the minutes of the meeting of April 29, 1981, reading of same was dispensed with and the minutes were approved.

AYES:Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

555 POLK STREET - COMMUNITY MENTAL HEALTH SERVICES

a) At 555 Polk Street, install a 22' blue zone, extending from 54' to 76' north of south building line.

b) Remove meter 525.

323-8th STREET- M.F.M. IMPORTS

a) At 323-8th Street, install a 22' yellow zone, extending from south side of driveway at 321-8th Street, 22' south of same.

155 VALENCIA STREET - S.F. TRUCKING COMPANY

a) At 155 Valencia Street, install a 16' red zone,

extending from driveway 16' north of same.

b) Meter VAC 155 to be removed.

2502-04 CLAY STREET - FREEHOLDERS LAND & SUPPLY CO.

a) At 2502-04 Clay Street, revoke existing 25' yellow zone, extending from east building line 25' west of same.

b) At 2502-04 Clay Street, replace with a 25' white zone, extending from east building line 25' west of same.

774 HARRISON STREET - ARMSTRONG CONSTRUCTION CO.

a) At 774 Harrison Street, revoke existing 22' yellow zone, extending from west property line 22' east of same.

b) At 774 Harrison Street, install a 22' green zone, extending from west property line 22' east of same.

1350 FOLSOM STREET - S.F.P.D. - REVOKED

a) At 1350 Folsom Street, revoke existing 70' green zone, extending from 5' to 75' east of west building line.

291-299 - 10th STREET - S.F.P.D. - REVOKED

a) At 291-299 - 10th Street, revoke existing 44' yellow zone, extending from 17' to 61' north of Folsom Street.

b) At 291-299 Folsom Street, revoke existing 44' yellow zone, extending from 61' to 105' north of Folsom Street.

415-8th STREET - S.F.P.D. - REVOKED

a) At 415-8th Street, revoke existing 22' yellow zone, extending from south end of building line 22' south of same.

90 DORE - S.F.P.D. - REVOKED

a) At 90 Dore, revoke existing 100' green zone, extending from Folsom Street, 100' north of same.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 327 feet of green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Captain Matthew C. Duffy, Field Training Headquarters, for service, effective May 6, 1981.

b) Captain Louis C. Fontana, Traffic Bureau, for service, effective May 10, 1981.

c) Captain John F. Kerrigan, Personnel and Training, for service, effective May 11, 1981.

d) Captain William E. Koenig, Central Police Station, for service, effective May 10, 1981.

e) Captain Robert J. Marsh, Traffic Bureau, for service, effective May 11, 1981.

f) Captain George G. Rosko, Potrero Police Station, for service, effective May 10, 1981.

The communications were ordered filed.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 313-81

DEBRA BURNEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Debra Burney in the sum of $650.00 in Compromise of Municipal Court Action No. 811-746 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 3, 1980

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 308-81

AUTHORIZING ATTENDANCE OF THIRTY PERSONNEL OF THE FIELD OPERATIONS BUREAU, PATROL DIVISION, AT A FIELD TRAINING OFFICER SEMINAR AT SANTA CRUZ, CALIFORNIA, FROM JUNE 14, 1981 TO JUNE 19, 1981.

RESOLVED, that the recommendation of the Chief of Police that thirty (30) personnel of the Field Operations Bureau, Patrol Division, be detailed to attend a Field Training Officer Seminar at Santa Cruz, California, from June 14, 1981 to June 19, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by the thirty personnel of the Field Operations Bureau, Patrol Division, in a sum not to exceed $10,000.00 will be defrayed by the San Francisco Police Department's Police Officers' Training Fund. P.O.S.T. will reimburse the Department 30% of trainee salaries

for the period of the seminar.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 310-81

CORNELIUS P. MURPHY, CHIEF OF POLICE
DEPUTY CHIEF JAMES A. RYAN, FIELD OPERATIONS BUREAU

RESOLVED, that Cornelius P. Murphy, Chief of Police, and Deputy Chief James A. Ryan, Field Operations Bureau, are hereby authorized to attend the 88th Annual International Association of Police Chief's Conference in New Orleans, Louisiana, from September 26, 1981 through October 1, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 309-81

AUTHORIZING ATTENDANCE OF SERGEANT/INSPECTOR MICHAEL JOHNSON, NARCOTICS DIVISION, AT THE NARCOTIC INVESTIGATION COURSE IN SACRAMENTO, CALIFORNIA, FROM JUNE 7, 1981 TO JUNE 19, 1981.

RESOLVED, that the recommendation of the Chief of Police that Sergeant/Inspector Michael Johnson, Narcotics Division, be detailed to attend the Narcotic Investigation Course, in Sacramento, California, from June 7, 1981 to June 19, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant/Inspector Michael Johnson, in a sum not to exceed $584.00, will be defrayed by the San Francisco Police Department's Police Officer's Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Murphy asked the Chief to report on his meeting with Mr. Sarsfield of Social Services Department in regards to combining services with the Juvenile Bureau and his Department.

Chief Murphy said Mr. Sarsfield indicated his people would be available on a 24 hour basis and that he would be willing to fund the monies necessary to train our personnel in that type of work.

He said all of Mr. Sarsfield's proposals were agreeable and that he would have it in writing for the Commissioners, probably at the next Commission meeting.

Commissioner Murphy also asked the Department to look at the feasibility of using the Department's computer to take a look at possibilities for future use in selection of taxi applicants.

CHIEF'S REPORT TO THE POLICE COMMISSION

This item was kept open for returning to it later.

RECEIPT OF DEPARTMENT GENERAL ORDER B-3 "EQUIPMENT" - THE CARRYING AND DISPLAYING OF CERTAIN UNIFORM EQUIPMENT ITEMS. (COPIES SENT TO EMPLOYEE ORGANIZATIONS)- CONTINUED FOR THREE (3) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECEIPT OF GENERAL ORDER NO. S-1, REGARDING PERSONAL PROPERTY CLAIMS. (COPIES SENT TO EMPLOYEE ORGANIZATIONS) CONTINUED FOR THREE (3) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

NOTIFICATION OF REVOCATION OF MOTOR VEHICLE FOR HIRE PERMIT HAS BEEN SENT TO MR. JORGE GRANERA FOR FAILURE TO COMPLY WITH SECTION 1087-1098 OF THE POLICE CODE.

Mrs. Granera appeared on behalf of her husband and said that her husband had not as yet readied himself and his jitney for operation. She said he has gotten his drivers license but is still in the process of getting the down payment for insurance for his jitney. She said he will use his Income Tax Return for a down payment but will not do so unless the Commission grants him an extension.

After satisfactorily answering the Commission's questions, the Commission granted Mr. Granera a three (3) week continuance to put his jitney into operation.

RESOLUTION NO. 311-81

PATROL SPECIAL OFFICER CLEMENT L. CHASE - REVOKED

RESOLVED, that the appointment of Patrol Special Officer Clement L. Chase, Beats Nos. 55 and 62, Mission Police District, be, and the same are hereby revoked effective May 27, 1981, he having sold his beats to Patrol Special Officer Calvin Wiley.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 312-81

PATROL SPECIAL OFFICER CALVIN WILEY - APPROVED

RESOLVED, that Patrol Special Officer Calvin Wiley is hereby appointed a Patrol Special Officer for Beats Nos. 55 and 62, Mission Police District; said appointment effective May 27, 1981, Patrol Special Officer Wiley having purchased Beats Nos. 55 and 62 from Patrol Special Officer Clement L. Chase.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

The Commission allowed a last minute appeal by Mr. Darrell Solomon to consider whether applicants who are unsuccessful on the current list if they would have to re-file for subsequent hearings for Public Convenience and Necessity for Taxicab Permits.

The Commissioners, while waiting for the Chief to return to the meeting, allowed Mr. Solomon to speak in regards to the Commission's earlier decision on the taxicab permits.

Mr. Darrell Solomon: "There is a...I see a kind of a procedural problem occurring and I would like to describe it for you very briefly. There was a list and there was a cutoff date on the list, I'm not sure of the date sometime in March, the staff decided, okay, now we are going to have our Public Convenience and Necessity Hearings so everybody that has signed up at this point will now be before the Commission for those hearings. Then the Hearing process lasted several weeks until today. In the meantime, people who after that, let's say it was March 11th just to take a date out of the air, after March 11th if that was the cutoff date, more people came in occasionally to apply for a cab permit and they were then put on what amounts to a second list. It's actually not a list but it's a chronological ordering of applications. Now, naturally, the people that were before the Commission who had signed up on the first list and paid their forty dollars, didn't go down and sign up again. But the unintended effect of all of this is as follows: Since we have not yet received a ruling from the Commission which, I hope, will say that the list that was originally before you will carry forward just as a certain way I read your decision today to have been in kind of a continuance, you know we are going to issue 19 today but we are also continuing the matter until say October, when the Moscone Center opens and look at it again. But whatever, however that comes out if we don't get your approval to that concept that the first list becomes the list for the next hearing, then it behooves me to tell my clients and anybody; 'you better go down and just as a backup sign up on the next list.' But the thing is, in signing up on the next list, they are already going to be about 80 down bearing in mind that Proposition K says that the permits shall be issued in order of application. They are going to be 80 down not because they didn't run down there and line up early in the morning and get there early tomorrow morning, but because they did not re-apply during the period of the hearings when they had already an application before you.

Now I am not expecting you to solve that problem. I am going to argue, I think at some point,

that those people who signed up between the cutoff date, and today, do not have valid applications. There should have been a gap. You should not have been taking applications during the very time the hearings were going on on the first set, just as in the other permit processes there is a gap, or a court ordnance that says you cannot re-apply except after the expiration of a year. But we won't try to decide that tonight.

What I am trying to see if I can straighten out tonight is something much smaller. Supposing one of my people goes down tomorrow morning and tries to sign up but he, or she, is already on the list because, not withstanding the lack of logic about it, he heard that people were going down to sign up and he signed up. So he's on the list already, but he is on the list prior to today, the second list. I want him to sign up again just to protect himself just in case those first people who signed up between the cutoff date and today have not validly applied, I want the staff to take his application again. I would prefer that they not take his forty dollars again because that doesn't seem to make too much sense. One forty dollar fee, which seems rather excessive, I think Commissioner Murphy made that point at one point, one forty dollar fee ought to be enough. I have the feeling if they go down and try to sign up again, it's going to be all kinds of confusion down there tomorrow morning.

So what I am asking the Commission to do is direct the Staff that if somebody whose name already appears on the second list wishes to sign up again just to protect the record that he, or she, may do so."

Commissioner Nelder: "I think I asked that question very early in the hearings and I think Officer Suslow responded to that. I asked at that particular time, how are we going to determine the issuance of the permits if any are granted, and weren't we instructed, or told by you that you had a list, a sequential list, predicated upon the date and time that they were signed up and that was the list we were going to abide by, and wasn't this the list that was typed up and presented to everybody? Now Mr. Solomon, I am lost there now....."

Darrell Solomon: "The problem is there would be no problem if that list was the list that you were going to consider a few months from now when you go to your next phase of these Public Convenience Hearings. But the Staff has expressed the opinion, and I hear by way of hearsay, that the City Attorney, off the top of his head, is expressing the opinion that now that you have decided the issue of Public Convenience and Necessity as to the first list, the first list is dead, kind of like a Civil Service List, and now we have got to go to the second list. Now if that happens we have got some problems because a person who sat in this audience and was told tonight, in effect, you are not going to get a permit off the first list because you are 200th,

will race down tomorrow morning to be first in line to sign up again only he won't be first, or second, or third, he will be 80th, or 85th, because in the interim period, the period of these hearings were not valid signups. That the staff anhd the Commission shouldn't have accepted those because it just doesn't make any sense for somebody to have an application before you and it's forty dollars on the line and he's not going to find out until tonight what happened should go down and sign up a second time on some list going on during the pendency of the very hearings.

We are going to make that argument. If we succeed, the people on list number two that are on there right now won't be on the list. Now what happens if one of my people happens to be on list number two? So he says I am on list number two so he doesn't go down tomorrow morning and sign up. But the first half, or the first part of list number two is void, now he is out. So he has got to be on there twice to protect himself. Am I making myself clear, I know it is....."

Commissioner Nelder: "I think you are wrong."

Commissioner Daly: "I think I understand what you are saying. I think I might have a possible solution because I think it's an excellent question. It was brought up before the Board of Permit Appeals a year and a half ago when I sat there, we discussed for several hours the fairness and non-fairness of the way the whole thing is set up. I think I would not fantasize that the, say 85 who are down there now get removed, but there might be some priorities setting when we look at this and determine whether it is truly unfair, and if the Commission looks at that and sees that it is unfair then I think there is no question that we'll....."

Darrell Solomon: "Commissioner Daly, let me explain myself. I am thinking like a lawyer now. Supposing, I am not saying we are going to do this, supposing we go to court and supposing the Judge says every name on the list up until todays date on list number two is void. Now, the next question is, who is left on the list? If somebody, one of my clients, who is on the list number two as of today, fails to put his name down on that part of the list that takes place starting tomorrow morning, he is not going to be on the list at all. He is going to be on the first part of the list that has been made void."

Commissioner Daly: "Well, what I am saying is that if there is a possibility that the judgment wouldn't be in order to void, but to design the list in a

preferential manner then that means that nobody gets left out."

Commissioner Murphy: "In other words, you integrate the names from the two lists. I think this could happen. In other words, the ones on the second list obviously came after the ones on the first list, so they, instead of being number one, two, three, four on the second list would be 275, 276 or whatever it is."

Darrell Solomon: "Commissioner Murphy, I hope that is what you are going to do."

Commissioner Murphy: "I think we have to find out if we can. If we can, I think, I certainly would vote for that."

Darrell Solomon: "But that's not what I am asking. Alright, it comes down to this, can I get permission for my people, regardless of whether they are presently on list number two to sign up tomorrow morning, again if necessary?"

Commissioner Sanchez: "Yes, I would like to respond to that again, because again this was requested as a procedural question and I think you raised a good point."

Darrell Solomon: "Sounds procedural to me."

Commissioner Sanchez: "The Commission has been operating under the fact that we have what, a list of 318?"

Commissioner Murphy: "Something like that."

Commissioner Sanchez: "Okay, we have voted this evening to say that Public Necessity is not being met at this point and, therefore, we will re-establish the permits up to the level of 711."

Darrell Solomon: "For the record, you also voted that there was not clear and convincing evidence of a need to issue more than 711."

Commissioner Sanchez: "Mr. Solomon, I would appreciate it if I may finish."

Darrell Solomon: "Is that correct?"

Commissioner Sanchez: "I would appreciate it if I may finish. Up to 711, okay? And that the Commission is setting two weeks hence Public Hearings pertaining to the Criteria for the issuance of the permits, and there was an amendment that at a future date when the Moscone Center opens, or whatever it is, that Public Necessity Hearings may be established at that point again.

Okay, now there was already a cutoff date established by the Department pertaining to the original list. That is a list this Commission will be looking at. The question is, and I think this is the question we wish to have public opinion on two weeks hence, is what will be the criteria for the issuance of those permits? Out of the 318, maybe only 123 would be even eligible, given the establishment of the criteria by the Department and the Commission at that point. I don't know because we haven't discussed publicly and nor have he had public input. So, procedurally, which I think was the basis of your asking the question you have raised a good point. We are not attorneys up here, we rely upon the Department's attorneys, our own attorneys, the City, and you know whatever, and we work in harmony with them and ask for opinions. We will be asking for the opinion which you have raised pertaining to this so this way we can have it in writing and this will be reviewed and discussed two weeks hence again when we have public discussion on the Criteria for the issuance on the permits.

Chief, did you want to respond to his comments at this point or reserve comment until two weeks hence?"

Chief Murphy: "Given my background on the proceedings, I haven't participated in those and I would have to reserve comment right now."

Darrell Solomon: "There is one other matter and I will sit down. There is a lot of people out there who feel for a variety of reasons that there are more than 19 dead permits. Is there any way we could nail this down? Maybe the staff could enlighten us about this. Is there a possibility that there are additional people that have died and can we help in the process of finding this out?"

Commissioner Sanchez: "Mr. Solomon, I would suggest this, the procedural question has been raised, okay? I would say that between now and two weeks hence, the staff, or various people, could bring to the attention of the Department the fact that maybe there are more than x number of people who have expired during that period of time. This could probably be brought to the Commission at

that point, okay? The problem is as you have heard and, whatever, is that we are shorthanded, and you know staff has been doing a great deal of scutwork on this. However, that doesn't eliminate the fact that, if in fact, through the grapevine, or whatever, there are known cases that could be brought to the Department's attention, that would be more than welcome and this would be further evidence when we discuss the criteria at that point. But procedurally, I think we have answered that at this point. We have another agenda item to respond to and we would like to move on, unless the Commission....."

Commissioner Murphy: "I have one question I would like to ask Officer Suslow. Would it fulfill the obligation under Proposition K, if we said no more applications for anything from tonight on until it has been decided by the City Attorney, and our Legal Beagles, and whatnot, is that possible to do, do you think?"

Officer Suslow: "Commissioners, we have been advised in the past and on other permit matters that we cannot refuse a permit application. That's why we have continued to take them all along."

Commissioner Sanchez: "Let me ask you this, There was a deadline set, right? That the Commission was aware of?"

Commissioner Murphy: "No, he just said that that...."

Officer Suslow: "A deadline was set for applications that would be considered at this set of hearings that have continued over the last several months."

Commissioner Sanchez: "Okay, I would recommend again that the staff review this,we get something in writing from both our own attorneys, and the City Attorneys, and we have this information for discussion at the hearings we will have two weeks hence. We thank you for bringing this procedural matter before us and, basically, we will follow up on it.

Can we proceed please with the next agenda item?"

Darrell Solomon: "If my person goes down tomorrow to sign up and he is already on the list can he sign up twice?"

Commissoiner Sanchez: "I would say he could.....

you know...that's an option he has, I mean you know that's....if they are already on the list why would somebody want to go and sign up on another list?"

Darrell Solomon: "Because the first part of the list may be declared void by the court."

Commissioner Murphy: "Well....."

Commissioner Sanchez: "You know that is a question I would say that, basically, our legal staff is not here tonight. This was an agenda item that was heard almost an hour before, or two hours before, it's been moved on calendar for two weeks hence and that would be the proper forum to discuss it. Yes, Chief?"

Chief Murphy: "Let's continue it with some direction for the Staff as to the requirement for the 40 dollar fee."

Officer Suslow: "That would be required Chief. The language of Prop. K requries the Commission to charge the cost for processing, accepting, advertising and investigating applicants. And the $40 doesn't even cover the cost of a single application advertised in the Progress. Most recent bills are $54.00."

Commissioner Sanchez: "Right, but we are not talking about if, or for whatever, we are just saying that there is a list established for 318, a person has a right to do whatever either with council of attorneys, or not council."

Commissioner Murphy: "Well, but I think we could make some kind of....I don't know. Let me ask you again, and I think this is important, if he has paid $40 dollars, it has been advertised, it has been investigated, and so on, if he returns and puts his name in again do you have to again take the $40 dollars, because I think that's quite a different thing, because it isn't like a new application, obviously, you don't have to advertise it, do you?"

Commissioner Sanchez: "Again, I would like to respond to that. I think we are getting into this whole other littany which should be held over again. If, in fact, it is a new application that's exactly what the procedural point was raised, is it, in fact, a new application and is it, therefore, a new list?"

Commissioner Murphy: "That's the problem with Proposition K."

Commissioner Sanchez: "And this has to be referred to our Legal Department and to the City Attorney's Office so this way we could have, I think, some rationale on what, in fact, is it and what are the options available to the Commission."

Darrell Solomon: "The Staff is going to have to be prepared to make some decisions tomorrow morning, that's the problem. They are going to have to decide what the Chief asked, shall we take....if we do accept the name twice do we take the second $40 dollars? They are going to have to decide that, and I was hopeful that the Commission would give them some guidelines."

Commissioner Murphy: "That's one of our problems with Proposition K. If K requires it we have to do it, obviously."

Commissioner Daly: "I really think that maybe.... because I think it's such a serious issue that if tomorrow morning people wanted to put their 40 dollars in which is what the law says has to be done, although I think a re-application shouldn't, we could refund....."

Darrell Solomon: "Could refund it, yes."

Commissioner Daly: "That's a possibility. It's between a rock and a hard place at the moment and I appreciate what you are bringing up, but I really do believe that the Commission is taking the problem of fairness seriously."

Darrell Solomon: "Oh, I appreciate that. And I realize I am bringing this up at the spur of the moment. It is difficult for you and I guess that is what we will have to do, we will just have to pay whatever they tell us to pay and if the Commission in it's discretion, feels they want to issue some refunds, that's something we will..... I mean it's not a fortune, so I guess we can all afford it, somehow. Thank you."

Commissioner Sanchez: "Chief, did you wish to state anything further on this before we proceed? I, you know, I personally have a great deal of problems with this, and that's why I really want to find out from our Legal Department, hopefully

by tomorrow, of what, in fact, it is. Because I could see staff being overwhelmed again with the same people who are already on list 318."

Commissioner Murphy: "They sure don't have to go into a long investigation, it seems to me."

Commissioner Sanchez: "You know we are talking about cost effectiveness, and dollar, and accountability, it doesn't....you know, that's why I am saying, in essence, I think this whole thing should be held over until such time as we get legal opinions, so maybe, in essence, no application.....well......."

Darrell Solomon: "It would be equivalent, Commissioner Sanchez, to the Civil Service Department coming up with a new list every three weeks. We have a list that goes on for years because we don't have the time and the money to go through this process all the time. You have a perfectly good list here, it will certainly last a few more months and we are going through this whole stuff..."

Commissioner Murphy: "Yes, we understand that...."

Commissioner Sanchez: "Yes, thank you Commissioner Solomon."

Chief Murphy: "I think it would be appropriate, maybe, if we could collect the $40 dollar fee and hold it here in the department until at such time we get a ruling from the City Attorney, and then possibly we may, or may not, be able to make that refund. So we collect the fee and then hold it here in escrow tomorrow."

Commissioner Sanchez: "Okay, fine, that is the way we'll proceed. Next item."

PROJECT S.A.F.E. BUDGET AND MEMORANDUM OF UNDERSTANDING.

Chief Murphy: "The next item on the agenda Commissioners is an added item and Mrs. Jean Wollenberg, and Mrs. Gwen Dillsworth Battle, and Lieutenant Jordan, want to make a presentation as to the future of Operation SAFE. Before we get started, I would request that the Commission not take any action on this tonight. I received a call indicating that Supervisor Molinari is interested in this. He would like to have an opportunity to discuss it with me, or the Commission, in the very near future."

Mrs. Jean Wollenberg: "Commissioners, thank you for listening to us as an added item tonight. The first item I would like to bring up...I believe you all have packets in front of you, that contain this document called an agreement between San Francisco SAFE Inc., and the City and County of San Francisco. This is a formalization of the Memorandum of Understanding that you reviewed and Chief Murphy signed about July of last year. And this now contains some magic language regarding insurance and other provisions that the City Attorney requested in contracting with an organization. The basis, as I said for this agreement, which now constitutes a contract once it's signed, is that original Memorandum of Understanding that you... we all went over, many months ago. And the reason it is being brought to you in such a delayed fashion is that two originals of this document signed by the City Attorney's Office have been lost some place in the morass of City Hall. So I have now signed on behalf of San Francisco SAFE, Inc., a copy of the signed original, and it is our understanding from the Legal Office of the Police Department that this must be presented to you prior to Chief Murphy being able to sign on behalf of the Police Department. So this is item one of our agenda tonight and we would be happy to entertain any questions you might have, or the Chief might have in this regard. But I think we have to take care of this item of old business before we can really proceed with our next item, which is consideration of the Supplemental Appropriation to be submitted to the Mayor."

Chief Murphy: "I think there has to be a little bit of background given in this situation as to why we are here tonight, and I think Lieutenant Jordan can clarify that issue here."

Lieutenant Jordan: "Thank you Chief, Mr. President, members of the Police Commission. Part of that Memorandum of Understanding, one that we are looking for tonight for the Chief's signature, one of the reasons it was brought into being in the first place was when the SAFE Program went non-profit. That was as of July of last year and, really, what it amounted to is it was just an explanation as to what the priorities were for the Police Department from that point on, and what the priorities are for San Francisco SAFE, Inc., at that point. How we would interact, how we would work together in the future. What goals and objectives were expected from each party in order to continue to work with San Francisco SAFE and the Police Department together. And then the second phase we are involved in recently, and possibly Jean might come back to the microphone on this, where when the funding ran out through the non-profit corporation just a few months ago, there

was funds requested through the Board of Supervisors and the Mayor's Office, additional funds to keep the program going so that SAFE could, now that they do have the non-profit corporation for the Federal Government, attempt to get some large corporation to come through with some donations to keep them alive. And they did pursue, through the Board of Supervisors, through the Finance Committee where Supervisor Molinari presented a package to the Finance Committee on behalf of San Francisco SAFE, Inc., and then it went to the full Board a week later and was unanimously approved for $250,000 to be sent as a request from the Mayor's Office to the Emergency Crime Prevention Funds to come to the Police Department, and there the next step is that San Francisco SAFE, Inc., is attempting to have a contract drawn up with the Police Department so that this $250,000 could be contracted out to San Francisco SAFE, Inc. Where we come into the picture, obviously, is that we just can't have $250,000 come to the Police Department and then just sub-contract it out without some sort of management by objectives and performance measures built right into the program. And that's the key factor of what we have been doing in the last two weeks, and that's probably where Supervisor Molinari may be in the picture."

Commissioner Sanchez: "Okay, so therefore, as an example, there is a request by the Supervisor, I guess, speaking as President of the Board of Supervisors, to hold this matter over for a week so this way both sides, or three sides, etcetera, a tri-partite and sort of sit down review it and then let's either approve it, or whatever, at the next Commission meeting. Does that make sense to you?"

Chief Murphy: "Yes, Supervisor Molinari and Mr. Hadley Roff of the Mayor's Office, contacted me about 10 days ago and requested that it be taken off calendar last week and when I was talking to you last night I had forgotten that when we said about getting it back on the calendar, and the specific reason that he asked to have it taken off was that so that Supervisor Molinari could have input into this and I would suspect that Supervisor Molinari is in agreement with your proposal. But what it really boils down to is if this money comes to the Department, how do we want to administer this program? Do we want the Department, through Lieutenant Jordan, to administer the program, or do we want to contract out with SAFE, Inc., to administer the program, that is really the question that is going to be before us tonight. Which way do we want to go, which way does the Commission want to go with the $250,000 that is going to come? Do you want Frank Jordan to run it as it was initially constructed when we received the funding, I believe it was LEAA

money that we got originally when it was under the controls, jurisdiction and supervision of the Department, or do we want to contract out with SAFE, Inc., as it exists today? That's really the issue before us. Either way, it's going to be a good program."

Commissioner Toler: "Is it possible for the Commission to determine this?"

Chief Murphy: "Well, I would say it's a policy decision, this hasn't come up before in this type of situation, so it would be properly a decision for the Commission to make."

Commissioner Murphy: "First place, I would like to know what document Mrs. Wollenberg here is referring to as being....I assume it's this one..."

Mrs. Jean Wollenberg: "It was underneath a memorandum from....."

Commissioner Murphy: "From James P. Shannon?"

Mrs. Jean Wollenberg: "No, no, it rides under cover of an intra-departmental memorandum, dated Monday, April 20th, addressed to Lieutenant Frank Jordan."

Commissioner Murphy: "Yes, I've got it, okay, fine."

Mrs. Jean Wollenberg: "From Larry Wilson in the Police Department Legal Office."

Commissioner Murphy: "Yes, I see, okay. That's one thing. Now is there any time element that's necessary on this to get the money to us, or anybody else through a supplemental appropriation?"

Mrs. Jean Wollenberg: "Commissioner Murphy, we are very unclear at this point on that. We have been told that in order to affect the appropriation of this money by supplemental appropriation and not mix it up with the current budget, that it must be in line by May 30th. One office in City Hall tells us the May 30th date, and the other office says that because the money is slated to come from emergency funds that are set aside from the Mayor's Anti-Crime Package, that there is no date. And our position is at this point that we are very

nervous about securing that money, and we have nothing in writing that assures us that when the May 30th deadline passes that we cannot be refused that money in the normal procedure.

I have been told by the Controller's Office that this is an unusual manner of receiving money. It is not coming as a grant under their normal course, and there is no precedent set for this and, consequently, they are looking at the May 30th deadline because they claim that after that date then we become part of the current budget package and it's no longer a matter of supplemental appropriation. On the other hand, Mr. Roff has indicated that because it is coming from emergency monies that those guidelines don't apply. And I don't feel that it is up to us to make the decision about this. We are relying on advice of the parties who have agreed to appropriate this money for us, and all we can do is act in good faith and get our documentation in order so that we can move properly. I just don't want San Francisco SAFE to be in a position where on June 1st somebody says you didn't apply properly with the supplemental appropriation request from the Police Department by May 30th, therefore we can't honor it."

Commissioner Murphy: "Well, I think that's a real solution, and I would like to move to that effect that we do just that."

Commissioner Sanchez: "Fine, there is a motion that Lieutenant Jordan's resolution which the Commission is recommending and a second? Discussion by the Commission, if not, all in favor state Aye. (Unanimous Ayes). Opposed? (None). Motion carries."

RESOLUTION NO. 323-81

REQUEST FOR A SUPPLEMENTAL APPROPRIATION TO FUND PROJECT S.A.F.E. FOR FISCAL YEAR 1981-1982.

RESOLVED, that the Police Commission hereby approves the request for Supplemental Appropriation transferring $250,000 from the Controller's Emergency Reserve to the Police Departments Crime Prevention and Education Program Project Accounts.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Murphy: "Now when does Molinari want to come and meet with us? Next week?"

Chief Murphy: "I don't know that he wants to come down personally and meet with the Commission. He indicated that he at least wanted to discuss it with me and I will be talking to him in the next couple of days."

Commissioner Murphy: "I see, well it will be soon, I take it?"

Chief Murphy: "Oh, yes."

Mrs. Jean Wollenberg: "May I clarify something for our benefit? Are we then on calendar for a week from tonight to discuss this further, or should we wait to hear from you?"

Chief Murphy: "I think we can calendar it for next week and between now and next week the Commission will have an opportunity to read the proposal."

Commissioner Murphy: "We better calendar it, yes, fine."

Commissioner Sanchez: "Okay."

Mrs. Jean Wollenberg: "Thank you very much Commissioners."

Commissioner Sanchez: "Any further questions or comments? Okay, are there further agenda items by the Commission? If not, is there a motion for adjournment?"

Commissioner Daly: "So move."

Commissioner Sanchez: "All in favor say Aye? (Unanimous Ayes)."

The Commission then adjourned its meeting at 6:15 p.m.

Willie E. Taylor
SECRETARY

2 JUNE 1981 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Tuesday, June 2, 1981 at 1600 hours in Executive Session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

1. Personnel Matters.

No vote was taken.

DOCUMENTS DEPT.
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The Commission adjourned its meeting at 6:05 p.m.

Willie E. Frazier
SECRETARY

3 JUNE 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 3, 1981 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

DOCUMENTS DEPT.

JUL 16 1981

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Commissioner Sanchez presiding.

The Commissioners, having received, amended, and returned copies of the minutes of the meeting of May 6, 1981, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

214 VAN NESS AVENUE - CITY ATTORNEY OFFICE

a) At 214 Van Ness Avenue, install a 22' blue zone, extending from north end of bus zone 22' north of same.

b) Meter #210 to be removed.

1299 HOWARD STREET - PHILLIPS REST & HOTEL

a) At 1299 Howard Street, install a 22' yellow zone, extending from 52' to 74' east of west building line.

b) Meter #1257 to be removed.

1299 HOWARD STREET - PHILLIPS RESTAURANT

a) At 1299 Howard Street, install a 44' white zone, extending from 8' to 52' east of west building line.

b) Meters 1261 and 1259 to be removed.

#16 WAVERLY PLACE - STARLITE TRAVEL SERVICE

a) At #16 Waverly Place, install a 22' green zone, extending from north property line 22' south of same.

b) At #16 Waverly Place, revoke existing 22' yellow zone, extending from north property line 22' south of same.

775 VALLEJO STREET - 3 STAR BRAND RICE CO.

a) At 775 Vallejo Street, install a 35' yellow zone, extending from west property line 35' east of same.

728 VALLEJO STREET - 3 STAR BRAND RICE CO.

a) At 728 Vallejo Street, revoke existing 44' yellow zone, extending from east property line 44' west of same.

2020 LOMBARD STREET - JADE REST

a) At 2020 Lombard Street, install an 18' white zone, extending from west property line 18' east of same to driveway.

b) At 2020 Lombard Street, revoke existing 18' green zone, extending from west property line 18' east of same to driveway.

209-9th STREET - SHAW LEAHY TOBACCO CO.

a) At 209-9th Street, revoke existing 18' yellow zone, extending 18'north of north driveway.

298 BRODERICK STREET - S.F.P.D. - REVOKED

a) At 298 Broderick Street, revoke existing 20' green zone, extending from 4' to 24' south of Oak Street.

1195 OAK STREET - S.F.P.D. - REVOKED

a) At 1195 Oak Street, revoke existing 18' yellow zone, extending from 6' to 24' east of Broderick Street.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 118 feet of green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 314-81

MARCELO A. BRUCE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marcelo A. Bruce against the City and County of San Francisco in the sum of $100.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 4, 1980

AYES: Commissioners Daly,Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 315-81

CENTRAL TOWERS APARTMENTS

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of the Central Tower Apartments against the City and County of San Francisco in the sum of $26.93 as the result of damages sustained, be, and the same is hereby approved.

Cate of Incident: March 24, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Lieutenant Preston J. Nolan, Southern Police Station, for service, effective April 22, 1981.

b) Police Officer Edward W. McMills, Traffic-Solo Motorcycles, for service, effective May 1, 1981.

The communications were ordered filed.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 316-81

AUTHORIZING ATTENDANCE OF SERGEANT/INSPECTOR MICHAEL HEBEL, POLICE ACADEMY, AT THE BASIC RECRUIT COURSE CONSORTIUM MEETING AT LOS ANGELES, CALIFORNIA, FROM JUNE 17, 1981 TO JUNE 18, 1981.

RESOLVED, that the recommendation of the Chief of Police that Sergeant/Inspector Michael Hebel, Police Academy, be detailed to attend the Basic Recruit Course Consortium Meeting in Los Angeles, California, from June 17, 1981 to June 18, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant/Inspector Michael Hebel, Police Academy, in a sum not to exceed $180.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 317-81

AUTHORIZING ATTENDANCE OF SERGEANT/INSPECTORS GEORGE F. WALSH AND ROBERT J. BRONSON, FRAUD DIVISION, AT A COMPUTER CRIME INVESTIGATION COURSE, IN SACRAMENTO, CALIFORNIA, FROM JUNE 15,1981 TO JUNE 20,1981.

RESOLVED, that the recommendation of the Chief of Police that Sergeant/Inspectors George F. Walsh and Robert J. Bronson, Fraud Division, at a Computer Crime Investigation Course, in Sacramento, California, from June 15, 1981 to June 20, 1981, be, and the same is hereby approved; and be it further

RESOLVED that expenses incurred by Sergeant/Inspectors George F. Walsh and Robert J. Bronson, Fraud Division, in a sum not to exceed $584.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 318-81

AUTHORIZING ATTENDANCE OF SERGEANT DALE BOYD, POLICE RANGE, AT AN INSTRUCTOR'S COURSE IN CHEMICAL AGENTS AT GILROY, CALIFORNIA, FROM JUNE 10, 1981 TO JUNE 12, 1981

RESOLVED, that the recommendation of the Chief of Police that Sergeant Dale Boyd, Police Range, be detailed to attend an Instructor's Course in Chemical Agents at Gilroy, California, from June 10, 1981 to June 12, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Dale Boyd, Police Range, in a sum not to exceed $186.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez: "Fine, under the Police Commission Report the Police Commission has met and has directed the Chief of Police to conduct a comprehensive and complete investigation pertaining to the alleged charges in procedures of the Internal Affairs Bureau. This will be a thorough and comprehensive investigation and Chief Murphy, would you like to respond to that at this point so we could proceed?"

Chief Murphy: "Yes, I will have that investigation completed not less than three weeks, but it is a very good likelihood it will be completed before that and that will be directed towards Cathy Barron's report in the allegations of misconduct and the inability of the Internal Affairs Bureau to complete proper investigations. That report will be submitted within three weeks."

Commissioner Sanchez: "Fine, thank you. That will be calendared, therefore, for June 24th, is there a motion to calendar this matter for the 24th?"

Commissioner Toler: "I so move."

Commissioner Sanchez: "Motioned in second, discussion?"

Commissioner Murphy: "Yes, I would like to....This is not against the motion, but I would like you to include other kinds of complaints that you know of, whether they were included in the Barron Report or not. In other words, you know of certain other things that may have come up., I don't know what they are and I am not going to list them for you, but if there are other things that you think are questionable, or that we would have questions about, I would like you to include that in your report, please. In other words, don't confine yourself completely to the Barron Report as such."

Commissioner Sanchez: "Fine,further discussion by the Commission pertaining to the vote per se? If not, all in favor state Aye, (Unanimous Ayes). Opposed? Okay, that will be set for the 24th of June and at that point that will be discussed here in public and set as an agenda item for input."

Commissioner Murphy: "May I ask you Mister President, would we also have any testimony from the persons attending that meeting on the 24th, or would we just receive it, is that it?"

Commissioner Sanchez: "Well, basically, on the 24th the Chief will report his findings to the Commission in public and also any recommendations per se and/or additions and the Commission will have an opportunity to discuss it. The Commission could also have public input at that point, or else we could hold that over to the next week for public input. I think the important thing is the fact that after a comprehensive review, the findings, per se, will be calendared and would be discussed here in public.

Next item please."

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy: "I have no report tonight, if you have any questions I would be happy to answer them."

RECEIPT OF GENERAL ORDER NO. G-1, "DEPARTMENT MOTOR POOL." (COPIES SENT TO THE EMPLOYEE ORGANIZATIONS).- CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

AMENDING CHAPTER VIII, SAN FRANCISCO MUNICIPAL POLICE CODE, BY ADDING SECTION 366.1 THERETO, RELATING TO THE ISSUANCE OF PERMITS FOR ATHLETIC EVENTS CONDUCTED ON PUBLIC STREETS. (CONTINUED FROM THE MEETING OF MAY 20, 1981). - CONTINUED FOR NINETY (90) DAYS.

Deputy Chief Ryan submitted a written report to the Commissioners of the breakdown of athletic events they asked for two weeks ago for the years 1980 and to date for 1981.

After discussion with Deputy Chief Ryan regarding the various ramifications of the proposed amendment Commissioner Nelder recommended that it be continued for ninety (90) days, during which time the Department should obtain as much information, including that from other jurisdictions, that it possibly can and then calendar it at that time for further discussion.

Commissioner Murphy seconded the motion with an

amendment to include jurisdictions such as New Orleans and several other large cities, thereafter, it was unanimously approved.

RESOLUTION NO. 319-81

PATROL SPECIAL OFFICER THOMAS E. CONNOLLY JR., (DECEASED) - REVOKED

RESOLVED, that the appointment of Patrol Special Officer Thomas E. Connolly, Jr., (Deceased) for Beat #41, Southern Police District, be, and the same is hereby revoked, effective June 3, 1981, his wife, Alice Connolly, having sold his beat to Patrol Special Officer Arthur Torres.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 320-81

PATROL SPECIAL OFFICER ARTHUR TORRES - APPROVED

RESOLVED, that Patrol Special Officer Arthur Torres, be, and he is hereby appointed a Patrol Special Officer for Beat #41, Southern Police District; said appointment effective June 3, 1981, he having purchased Beat No. 41, Southern Police District, from the Estate of Thomas E. Connolly, Jr.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

PROPOSAL TO FUND THE SENIOR ESCORT-OUTREACH PROGRAM FROM COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS - PUBLIC SERVICES, FOR THE PERIOD JANUARY 1, THROUGH DECEMBER 31, 1982. (CONTINUED FROM THE MEETING OF MAY 20,1981)

Lieutenant Frank Jordan appearing before the Commission on this matter said that this matter deals with the Senior Escort-Outreach Program and the four original target areas that are funded by The Office of Community Development through HUD Federal Funds. He said they have requested refunding for those areas in the amount of $581,000 during the past week. He said

the agency did approve, but they wanted the support of the Police Commission before they would pursue it any further in an attempt to obtain those funds.

He said what they are seeking now is an endorsement of support from the Commission tonight.

Commissioner Toler moved for approval of this endorsement and Commissioner Nelder seconded it.

It was then unanimously approved.

PROJECT S.A.F.E. BUDGET AND MEMORANDUM OF UNDERSTANDING

Chief Murphy said this matter was before the Commission last week and what was presented was that the Department was going to prepare a supplemental appropriation and give the Commission the option to either approve this supplemental to be administered by the Police Department under Lieutenant Frank Jordan, or approve it to be administered by the Non-Profit Corporation SAFE under the guidelines of its Board of Directors. He said at this time he would recommend the latter to the Commission, based upon past performances and integrity of the SAFE Inc., and its Board of Directors, he would feel very comfortable if the Commission adopted the proposal to enter into a contract with San Francisco SAFE Inc.

Commissioner Murphy then moved for approval of this recommendation by the Chief which was then seconded by Commissioner Toler.

It was unanimously approved.

Commissioner Nelder then requested that the Board report to the Commission quarterly as to their operations or more often if deemed necessary.

Mrs. Wollenberg, representing SAFE, said for the record, the Corporation welcomes immediate communication from the Chief, or any members of the Commission, any time there is any question on the part of any of the Commissioners as to the functioning of the Corporation, or its programs and/or personnel.

Lieutenant Frank Jordan then said they have now been advised that the Commission's approval tonight would have to come under a Declaration of Emergency to get the $250,000.

Commissioner Murphy then amended her motion to cover this Declaration of an Emergency and it was then approved as follows:

RESOLUTION NO. 324-81

DECLARATION OF AN EMERGENCY SITUATION WITHIN THE POLICE DEPARTMENT TO FUND PROJECT S.A.F.E. FOR FISCAL YEAR 1981-82.

WHEREAS, an emergency situation exists for the continuance of Project S.A.F.E., for fiscal year 1981-82 in that sufficient funding has not been acquired to continue the program; and

WHEREAS, this emergency requires an appropriation of funds from the Controller's Emergency Reserve; therefore be it

RESOLVED, that the Police Commission hereby approves the request for a supplemental appropriation transferring $250,000 from the Controller's Emergency Reserve Account to the Police Department's Crime Prevention and Education Program Projects Account; and be it further

RESOLVED, that the funds will be transferred by contractual agreement to San Francisco S.A.F.E, a private non-profit corporation.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Lieutenant Jordan then said the Original Memorandum of Understanding that they have here tonight, he said, he would assume he could just pursue it now with the Commission's approval through the Chief.

The Commission acknowledged in the affirmative and Commissioner Sanchez then thanked all those persons who attended, their Board members and all of those who had been working diligently with the Department to make the program a success.

RECOMMENDATIONS OF THE AWARDS COMMITTEE

Commissioner Sanchez said that he had the honor of chairing the Awards Committee on May 29th, 1981, and that this meeting was rather a unique one in that this was the first Awards Meeting whereby there were approximately 10 new captains participating in the process.

He then recommended approval for those members to receive awards as approved and submitted by the Chief to the Commission as follows:

RESOLUTION NO. 321-81

RECOMMENDATIONS OF THE AWARDS COMMITTEE - APPROVED

RESOLVED, that the following-named members of the Police Department, be, and they are hereby granted Awards of Valor - Silver Medal and Bronze Medal, and Meritorious Conduct Award, under the provisions of Sections 5.119 and 5.131 of the Rules and Procedures of the San Francisco Police Department, as approved by the Awards Committee on Friday, May 29, 1981:

Lieutenant David P. Christensen....Silver Medal of Valor

Police Officer Peter A. Balestreri.....Silver Medal of Valor

Police Officer Dennis J. Callaghan.....Silver Medal of Valor

Police Officer James E. Drago.....Silver Medal of Valor

Police Officer Luis W. Hamilton....Silver Medal of Valor

Sergeant Marion D. Jackson.....Bronze Medal of Valor

Sergeant James F. Ribero.....Bronze Medal of Valor

Sergeant Joaquin G. Santos.....Bronze Medal of Valor

Inspector Ronald P. Kern.....Bronze Medal of Valor

Inspector Kenneth R. King.....Bronze Medal of Valor

Assistant Inspector Vincent P. Repetto.....Bronze Medal of Valor

Police Officer Terrance M. Collins.Bronze Medal of Valor

Police Officer Robert R. Crosat....Bronze Medal of Valor

Police Officer Robert M. Dinslage..Bronze Medal of Valor

Police Officer Robert C. Hernandez.Bronze Medal of Valor

Police Officer Leon K. Loew.....Bronze Medal of Valor

Police Officer Paul F. Makaveckas..Bronze Medal of Valor

Police Officer Robert T. McMillan..Bronze Medal of Valor

Police Officer Gabriel I. Gallaread.....Meritorious Conduct Award

Police Officer David B. McLaughlin.Meritorious Conduct Award

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 322-81

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT.

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Sections 5.119 and 5.131 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission on Wednesday, June 3, 1981; and

WHEREAS, Chief of Police Cornelius P. Murphy, has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Lieutenant David P. Christensen, Police Officers Peter A. Balestreri, Dennis J. Callaghan, James E. Drago, and Luis W. Hamilton, be, and they are hereby awarded Silver Medals of Valor and granted a reward of $100.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Sergeants Marion D. Jackson, James F. Ribero, and Joaquin G. Santos, Inspectors Ronald P. Kern and Kenneth R. King, Assistant Inspector Vincent P. Repetto, Police Officers Terrance M. Collins, Robert R. Crosat, Ronald M. Dinslage, Robert C. Hernandez, Leon K. Loew, Paul F. Makaveckas, and Robert T. McMillan, be, and they are hereby awarded Bronze Medals of Valor, and granted a reward of $50.00 each, as

provided for under said section of the Charter; and be it further

RESOLVED, that Police Officers Gabriel I. Gallaread and David B. McLaughlin, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of $50.00 each, as provided for under said section of the Charter.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

The date for presentation of the Awards was set for July 1, 1981.

RECEIPT OF GENERAL ORDER NO. R-3, "UNDERWATER RECOVERY UNIT."

Deputy Chief Stanley Cordes, in speaking to this item, asked the Commission for a continuance of two weeks to allow, if requested, the various Employee Associations to Meet and Confer on the contents of this proposal.

This request was then approved by the Commission.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION SETTING A METALLIC TAXICAB MEDALLION FEE FOR THE PERIOD JULY 1, 1981 TO JUNE 30, 1982, AS REQUIRED BY SECTION 1135.2.1 OF THE MUNICIPAL POLICE CODE.- CONTINUED ONE (1) WEEK.

Officer Lamont Suslow presented this item to the Commission, after which Commissioner Sanchez said he would like to start discussion on the matter as the City is now going into a physical crunch and if the department just charged a minimum of 40% of overhead fees for renewal of these medallions the fee would be raised from $3.00 to at least $5.00.

Officer Suslow said the fee that was arrived at was arrived at by taking into consideration a City Charter Section, Section 6.402, which states that the department can only charge what it cost the department to provide this service. He said the Department cannot make a profit on this or any other reproduction.

Chief Murphy recommended it be continued for one

week to allow for a determination of all of the cost factors possibly involved in setting this fee.

The Commission agreed with this recommendation and it was continued for one (1) week.

PUBLIC HEARING ON APPLICATIONS TO DETERMINE PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF NEW JTINEY PERMITS.

Commissioner Sanchez said the Commission has already had public hearings pertaining to this matter and has entertained a number of discussions at the last hearing and at that time directed Staff to review both testimony of those persons who spoke in favor, and also against, and also asked Staff if the Commission had the authority to expand existing routes along with what other options were available.

Deputy Chief Stanley Cordes then read into the record the Staff recommendations in answer to the Commission's questions.

(Report on file with records of the Hearing and Calendar item.)

"Staff Report on Issuance of Jitney Bus Permits

1. The decline in patronage on the Mission Street route, due in part to competition from Muni, Bart, and SamTrans, is largely attributable to irregular and unevenly spaced service. The issuance of additional permits on the Mission Street route, in conjunction with revised regulations to be issued by the Chief of Police requiring that jitney buses depart a terminus at fixed intervals, should enable jitneys to compete more favorably with Muni, Bart, and SamTrans.

2. The need for additional jitney buses on the Third Street route was clearly established in staff's May 15, 1981, report to the Commission.

3. The Downtown-Fisherman's Wharf route is new and untried, and it must prove itself within six months. Its primary patronage

will presumably not be regular commuters as much as occasional users, such as tourists and shoppers. This patronage must become familiar with the route, route stops, and frequency of service the route is going to be sufficiently utilized to warrant an extension of the six month trial period.

Staff recommends that:

1. Permits to operate jitney buses be issued by the Police Commission to all qualified applicants as of May 20, 1981, on the route of their choice.

2. General criteria be established by the Police Commission for the issuance of permits to operate on any route established by the Board of Supervisors:

   a) Applicants have six months experience operating an automobile in San Francisco.

   b) Applicants possess a safe driving record and are capable of passing a criminal history background check.

   c) Applicants are physically competent to operate a jitney bus, and have no incorrectable hearing or sight impairment.

   d) Applicants are able to read and write English.

   e) Applicants are able to pass an oral examination which tests for knowledge of applicable laws and regulations.

   f) Applicant presents evidence of ownership of a jitney bus that meets all safety and equipment requirements.

   g) Applicant presents evidence of insurability and financial responsibility.

3. Specific criteria be establsihed by the Police Commission for the issuance of permits to operate on the Downtown-Fisherman's Wharf route:

   a) Jitney buses to be painted in uniform distinctive colors.

   b) Jitney buses to be identified by uniform distinctive twin flags, stating the words "Jitney Bus", mounted on the forward

outer corners of their hoods or roofs.

c) Maps showing the route, route termini, and route stops to be prominently displayed so as to be visible from the interior and exterior of the jitney bus.

d) Jitney buses may not remain at any terminus or route stop for more than five minutes.

Staff disagrees with the concept of issuing permits to operate on more than one route (e.g. Mission Street and the Downtown-Fisherman's Wharf route) because of the difficulty of monitoring operations, and because it would tend to diminish the quality and quantity of service on the currently permitted route."

The following speakers in this matter are listed as follows:

Deputy Chief Stanley Cordes

Officer Lamont Suslow

Mr. James Maas

Mr. H. Goldsmith

Mr. Abraham Endzweig

The Commission, after hearing the above-listed speakers and conducting further discussion among themselves on the Staff Report, entertained an amended motion by Commissioner Nelder to delete items 1 and 2 of the Staff Report which amendment was amending Commissioner Murphy's original motion to adopt the total Staff Report.

The amendment was accepted, seconded and unanimously approved.

A motion was then made stating that the day the Fisherman's Wharf route goes into effect, Department Staff shall report to the Commission with a report in pursuit of Public Convenience and Necessity for the remaining jitney routes, i.e., Mission and Third Streets.

This motion was also unanimously approved.

The Commission then adjourned its meeting at 7:10 p.m.

SECRETARY

10 JUNE 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 10,1981 at 1630 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

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Commissioner Sanchez presiding.

PUBLIC HEARING RELATIVE TO ADOPTING STANDARDS AND GUIDELINES FOR APPLICANTS TO QUALIFY FOR PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS. (CONTINUED FROM THE MEETING OF MAY 6, 1981.)

Commissioner Sanchez: "The Department has had an opportunity to review this matter over the past year and has discussed at various times both in our Public Necessity Hearings, which we have had items which, I think, have been addressed by applicants and by Community Organizations, and groups, including letters pertaining to what, in fact, some of the concerns are as far as the validity of the criteria for the issuance of permits. The Chief and his Staff has done a quite good, comprehensive review, both in reference to those that are in existence now, the Municipal Police Code Sections, dealing from personnel, physical, operational and, at this point, I would like the Chief to review it along with staff for the Commission for discussion and review by the Commission and then an opportunity for those who wish to speak pertaining to it, either for or against. So Chief, at this point we turn the calendar over to you and your Staff."

Chief Murphy then called upon his administration Aide, Mr. Jim Maas, to address the Commission.

Mr. Maas stated that the Commission had been presented with revised Criteria for the issuance of Taxicab Permits. He said there are a couple of differences in the set of Criteria given to the Commission as a draft dated the 26th of May having to do primarily with the areas to be served by the new permits. He said the Staff Report issued two weeks ago recommended that the downtown areas and the airport were well served and that the general consensus was that the areas in the outline areas of the city were underserved. He said they, therefore, included the one controversial aspect of this

report which is item number 16** on the list of criteria, Area to be Served. He said in line with Staff's recommendation that the Airport and Downtown Areas were overserved, they recommended as a criteria for the Commission to consider was that the new applicants be restricted from serving those particular areas. He said if in the judgment the Commission did not want to make such restriction, then they would refer back to their original recommendation which would require that anyone who did service the Airport, possess a decal attesting to the safety of the taxicab.

Commissioner Nelder said he would like to ask the City Attorney, Mr. Steve Diaz, a question as to the Commission's authority to limit the taxicabs as described by Mr. Maas.

Mr. Diaz said that he had not seen the Criteria presented to the Commission before tonight's hearing. He said however, there is nowhere in the legislation that he knows of that would allow for more than one class of permit, or that would allow the Commission to impose restrictions upon one permittee which were not appicable to all other permittees.

The Commission then, upon motion by Commissioner Nelder, and seconded by Commissioner Toler, deleted item #16** of the proposed criteria.

Mr. Maas then went through the criteria items which are as follows:

"SUGGESTED CRITERIA FOR ISSUANCE OF PERMIT TO OPERATE TAXICABS

CRITERION		EVIDENCE
PERSONAL		
1.	Five-year employment record.	Statement on application form.
*2.	Residence within 30 miles of City Hall.	Driver's License.
3.	Twenty-one years of age.	Birth Certificate copy.
4.	Ability to read and write English.	Completion of application form in presence of police officer.
5.	Record of felony and misdemeanor convictions.	CABLE print-out.

6.	Driving record.	DMV print-out furnished by applicant.
7.	Complaint record.	Taxicab Enforcement Detail Report.
8.	Knowledge of Chief's Regulations and MPC Sec. 1115-1160.	Permit Application.
9.	Operator's physical health & freedom from alcohol or other drug addiction.	Physician's letter.

FISCAL

10.	Financial responsibility.	Statement filed with Commission.
11.	Insurability.	Certificate of Insurance.

OPERATIONAL

12.	24 Hour radio dispatch capability.	Taxicab Enforcement Detail inspection.
13.	Hours of availability.	Written Statement by applicant.
*14.	Maximum age & mileage of vehicle to be operated.	Written Statement by applicant.
		*b) Possession of certification decal issued by San Francisco International Airport.
15.	Vehicle safety.	Annual State of California official brake, headlamp, & smog inspection certificates filed with Permit Sec.
**16.	Area to be served.	Written statement that taxicab will not pick up passengers at the Airport parking lot or at any taxicab stand within the area bounded by Mission, 5th, Barry, Embarcadero, Jefferson, Hyde, Beach, Polk, Bay, and Gough Streets.

May 29, 1981"

During Mr. Maas' presentation, Mr. Steve Diaz interrupted and asked to return to item No. 2*, stating

that resident requirements for uniform members of the department for emergency service personnel, and for others, have been consistently struck down by the courts and, in fact, the City and County had an ordinance at one point requiring all of its employees to live within 30 miles of a specified point and that law was struck down. He said it is the City Attorney's Office view that the enforceability of that portion of Section 1127 is gravely in doubt, so he would recommend to the Commission not to adopt a residency requirement.

The Commission thanked Mr. Diaz for bringing this to their attention and consideration.

Mr. Maas was then allowed to continue with his presentation.

Mr. Maas, at the end of his presentation, recommended to the Commission that *item 14b of the May 26, 1981, Criteria and Standards be added to this current list presented tonight.

Commissioner Sanchez, thereafter, asked the Legal Council (Mr. Diaz) if he had any further statements on these items.

Mr. Diaz said that in view of the shortness of time he has had to review this list it would be very difficult for him to say that he has, or has not, any opinion with regard to any of the listed criteria.

Commissioner Sanchez then advised persons in attendance that they would be allowed to give testimony on these matters and that when they approach the microphone to speak he would appreciate it if they gave their name, whether they were speaking for an organization or as an individual and if, in fact, they concur, or like the criteria, or have some suggestions.. or are speaking against it.

The Commission then took a 3 minute recess and when they returned they went into the regular items on the calendar. Approved the Consent Calendar, continued item #8 for four (4) weeks, #9 for two (2) weeks, continued #13 until at such time the Chief advises that a Meet and Confer with the Patrol Special's Attorney has been concluded and items #10, #11 and #12 were continued also for three (3) weeks at the request of the officer's attorney.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

4301-24th STREET - NOBLES PIES

a) At 4301-24th Street, install a 19' green zone, extending from east property line 19' west of same.

1580 VALENCIA STREET - ST. LUKES HOSPITAL

a) At 1580 Valencia Street, install a 22' white zone, extending 22' north of existing 22' white zone.

b) Remove meter #1646.

2159 POWELL STREET - PACE-PRICE GALLERY

a) At 2159 Powell Street, install a 25' yellow zone, extending from south building line 25'north of same.

b) Extend present red zone 5' south.

444 BALBOA - WONG VEGETABLES

a) At 444 Balboa, install a 27' yellow zone, extending from 44' to 71' east of west building line.

b) Revoke approximately 10' of existing green zone.

2299 BAKER STREET - CONSULATE GENERAL OF THE ARAB REPUBLIC OF EGYPT

a) At 2299 Baker Street, install a 20' white zone, (2 diagonal spaces) from north property line 20' south of same.

3001 PACIFIC AVENUE - CONSULATE GENERAL OF THE ARAB REPUBLIC OF EGYPT

a) At 3001 Pacific Avenue, revoke existing 36' green zone, extending from 6' to 42' west of Baker Street.

b) At 3001 Pacific Avenue, replace with 36' white zone, extending from 6' to 42' west of Baker Street.

2 ROSE - S.F.P.D. - REVOKED

a) At 2 Rose, revoke existing 36' green zone, extending from 9' to 45' north of Market Street.

989 HOWARD STREET - ALICE SEDANSKY - REVOKED

a) At 989 Howard Street, revoke existing 25' yellow zone, extending from 20' to 45' west of east line of #985 Howard Street.

2732 MISSION STREET - DISCOUNT PRODUCE -DENIED

a) At 2732 Mission Street, install a 24' yellow zone, extending from 4' north to 20' south of north property line. DENIED.

b) Remove meter 2716. DENIED.

AYES: Commissioners Daly,Nelder, Toler, Murphy, Sanchez

REVOKED

The recommendations of the Traffic Bureau on the revocation of 97 feet of green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 326-81

DREW A. DAVIS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Drew A. Davis against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 6, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 327-81

RUSSELL RICHEDA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Russell Richeda against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1981

AYES: Commissioners Daly, Nelder,Toler, Murphy, Sanchez

RESOLUTION NO. 328-81

ELIZABETH RIGALI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Elizabeth Rigali against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 329-81

EKEPATI PANAMA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ekepati Panama against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 10,1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 330-81

ANN GALLO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ann Gallo against the City and County of San Francisco in the sum of $348.28 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Incident: April 17, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 331-81

JESSE SANDOVAL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jesse Sandoval against the City and County of San Francisco in the sum of $274.80 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Incident: April 13, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 332-81

WINNIE TATUM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Winnie Tatum against the City and County of San Francisco in the sum of $2,700.00 in Compromise of Municipal Court Action No. 796-680 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: September 19, 1979

AYES: Commissioners Daly,Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 333-81

ROBERT MIGLIORISI

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Robert Migliorisi in the sum of $1,453.00 in Compromise of Municipal Court Action No. 805-830 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: July 8, 1980

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 334-81

AUTHORIZING ATTENDANCE OF INSPECTORS THOMAS ARNOLD, BRUCE LORIN, VICTOR FLEMING, GENERAL WORKS DETAIL, AND ASSISTANT INSPECTOR RICHARD ADKINS AND SERGEANT/ INSPECTOR THOMAS GERARD, VICE CRIMES DIVISION, AT THE SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE AT SAN DIEGO, CALIFORNIA, FROM JUNE 22, 1981 TO JUNE 26, 1981.

RESOLVED, that the recommendation of the Chief of Police that Inspectors Thomas Arnold, Bruce

Lorin, Victor Fleming, General Works Detail, Assistant Inspector Richard Adkins and Sergeant/ Inspector Thomas Gerard, Vice Crimes Division, be detailed to attend the Specialized Surveillance Equipment Training Course at San Diego, California, from June 22, 1981 to June 26, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspectors Arnold, Lorin, Fleming and Assistant Inspector Adkins and Sergeant/Inspector Gerard, in a sum not to exceed $1,965.00, or $393.00 per person, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

SETTING OF DATE FOR A PUBLIC HEARING RELATIVE TO PROPOSED SECONDARY EMPLOYMENT GENERAL ORDER B-3, AS AMENDED - CONTINUED FOUR (4) WEEKS.

AYES: Commissioners Daly, Nelder,Toler, Murphy, Sanchez

SETTING OF DATE FOR A PUBLIC HEARING RELATIVE TO PROPOSED GENERAL ORDER F-2, CODE THREE AND PURSUIT DRIVING. - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder,Toler, Murphy, Sanchez

PUBLIC HEARING RELATIVE TO NEW RULES AND PROCEDURES, AND NEW UNIFORM AND EQUIPMENT SPECIFICATIONS FOR PATROL SPECIAL OFFICERS. (CONTINUED FROM THE MEETING OF MAY 13, 1981.) -

Continued until at such time the Chief advises that a Meet and Confer with the Patrol Special's Attorney has been concluded.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 338-81

HEARING OF POLICE OFFICER MARTY L. WAY, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Marty L. Way, Communications Division, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Marty L. Way, has requested that the matter be continued until July 1, 1981; therefore be it

RESOLVED, that the request of Mr. Stephen Bruce Bley, Attorney at Law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, July 1, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO.339-81

HEARING OF POLICE OFFICER KEVIN DEMPSEY, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Kevin Dempsey, Communications Division, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Kevin Dempsey, has requested that the matter be continued until July 1, 1981; therefore be it

RESOLVED, that the request of Mr. Stephen Bruce Bley, Attorney at Law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, July 1, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

HEARING OF POLICE OFFICER LEONARD G. JEONG, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Leonard G. Jeong, Communications Division, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Leonard G. Jeong, has requested that the matter be continued until July 1, 1981; therefore be it

RESOLVED, that the request of Mr. Stephen Bruce Bley, Attorney at Law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, July 1, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez then said that the Commission would now go back to the matter before them which is the suggested criteria for the issuance of permits to operate cabs.

He said he would give those parties desiring to speak a maximum of four minutes to make their points and/or recommendations.

The speakers were as follows:

Darrell Solomon	San Francisco Association of Taxi Drivers.
Jack Trad	Cab Driver.
Paul Candello	Cab Driver.
Gus Henselyn	Cab Driver.
Lloud Small	Cab Driver.
Rich Timberline	Applicant
Rogers Gaspard	Applicant
Charles Walker	Cab Driver
Arthur Lempke	Owner-Driver
Thomas Duncan	Cab Driver

John Dillman	General Manager-National
Brian Coop	Applicant
Jack Pilossoph	Applicant

The Commission, after listening to the above speakers and discussing points and recommendations submitted by them, adopted a motion by Commissioner Nelder who noted that the City Attorney had made it very clear that he needed a week to study this proposal in order that he may be able to give the Commission the correct advise on this subject. This motion was seconded by Commissioner Daly and unanimously approved.

The Commission then called for a clarification on questions raised as to the list of applicants it is now considering for Public Convenience and Necessity in that, if in October further hearings are scheduled if; 1) Applicants on present list may or may not be transferred to additional list? 2) Would there be a New List? 3) Would people be able to get on the current list if it remains intact and how long would it remain in effect given the hearings already held to issue these permits?

Deputy City Attorney Mr. Steve Diaz, then responded to this query. He stated that Section 2 of Proposition K provides that any person filing an application for a permit to operate a Motor Vehicle for Hire triggers the hearing process. He continued by saying that once this is done within 15 days of the filing of the application, the Commission Staff must give notice of the Hearing. The application entitles the applicant to a hearing on the issue of Public Convenience and Necessity for the issuance of that particular requested permit as has been done with the recent series of applications, in that the Commission has discretion to hold consolidated hearings when at the same time there are multiple applications pending. He said however, all that an applicant is entitled to for the fee, which is supposed to represent the cost of advertising of the hearing and the review which is conducted by the department of the applicants record, is a hearing on Public Convenience and Necessity and a determination by this Commission as to whether any permit should issue and, of a permit should issue, whether that particular permittee is, in fact, competent and should be authorized by the Commission to have a permit issued in their name. He said, so, once the Commission has a hearing and a determination rendered the application is complete.

He said any further hearing has to proceed either by way of appeal form this Commission to the Board of Permit Appeals, or pursuant to a new

application, and each new application must be accompanied by the fee required by law. He then said every person who has applied for declaration of Public Convenience and Necessity whose hearing was noticed as part of this series of hearings has had that determination. He said the Commission has decided there are nineteen available permits, once they have exhausted the pool of applicants and have filled those 19, there is no further right remaining in any applicant and they are not entitled to a further hearing unless they pay a new fee and apply for a new hearing.

The Commission then moved to have a letter drafted to the City Attorney in regards to various other questions regarding the criteria for issuance of the cab permits in hopes of receiving a written response and thereby officially adopt siad criteria at the next Commission Meeting.

Further discussion and testimony was received from the following persons:

Mr. Jack Trad

Mr. Rogers Gaspard

Mr. Thomas Duncan

Mr. Tom Cook

Mr. Darrell Solomon then responded to Mr. Diaz' opinion regarding the current list of applicants and advised that if the Commission wanted to do legal justice to those applicants they could regard the City Attorney's Opinion as advisory only, and from the Chair, simply state the Commission issued an opinion on Public Convenience and Necessity and the matter of this hearing is being carried forward for final action on this hearing process to October.

After listening to Mr. Solomon, the Commissioners requested that he submit, in writing by next week to the Commission, a written solution to the problem of continuing the current list of applicants after 19 permits have been issued.

Commissioner Sanchez then stated that this matter would be continued to next week at which time the meeting would commence at 4:30 p.m.

He then called for the next item.

POLICE COMMISSION REPORT

All Commissioners indicated that they had nothing to report.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy had no report to submit tonight.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION APPROVE PROPOSED MODIFICATION OF THE UNIFORM OF SOLO MOTORCYCLE OFFICERS.

Deputy Chief Shannon said that this modification was a cloth badge to be attached to the sleeve of the officers. He said it is a standard badge worn by most solo/motorcycle officers around the state. He said it is just a wheel with spokes in it and has a wing coming out an an arrow through it. He said he did not know the significance of it, but he has seen it on other department solo/motorcycle officers.

It was then approved.

RESOLUTION NO. 335-81

UNIFORM SPECIFICATIONS OF THE SAN FRANCISCO POLICE DEPARTMENT - MODIFICATION TO THE UNIFORM OF SOLO MOTORCYCLE OFFICERS

RESOLVED, that effective at 0001 hours, June 11, 1981, the uniform of officers assigned to the Solo Motorcycle Unit of this Department shall be modified as follows:

SLEEVE PATCH: Winged wheel arrow style. Overall size 2½ inches wide by 2 inches high on black backing material. 1¼ inch spoked wheel, gold thread to match shoulder patch. 2 inch arrow through center of wheel, white thread. Arrow to point inward toward the body when fixed to the right sleeve. One inch wings,

white thread, originating at the center of the wheel and extending upward and rearward toward the feather end of the arrow.

DISPLAY: One patch per garment on right sleeve. Patch to be worn on long sleeve shirt 3 inches above top of cuff immediately forward of the sleeve crease, on dress blouse and jacket 3 inches above the cuff braid, and on duty jacket 6 inches above the sleeve bottom. The patch is to be centered between sleeve seams on jackets and coats, and in all cases mounted so that the arrow is horizontal when the sleeve is in a downward position. Q2 Police Officers may wear the wheel patch on the right sleeve of the short sleeve shirt, centered on the crease, half-way between the Department shoulder patch and the hem.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 336-81

PATROL SPECIAL OFFICER ARTHUR TORRES JR., - ANNEXATION OF NORTH 5th STREET FROM MARKET TO O'FARRELL STREETS TO HIS BEAT, BEAT NO. 28 - APPROVED

RESOLVED, that the request of Patrol Special Officer Arthur Torres, Jr., to annex North Fifth Street from Market to O'Farrell Streets to his Beat, Beat No. 28, Central Police District, effective June 11th, 1981, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION SETTING A

METALLIC TAXICAB MEDALLION FEE FOR THE PERIOD JULY 1, 1981 TO JUNE 30, 1982, AS REQUIRED BY SECTION 1135.2.1 OF THE MUNICIPAL POLICE CODE. (CONTINUED FROM THE MEETING OF JUNE 3, 1981).

Deputy Chief Cordes said that after investigating all cost factors there is no way the department can charge more money for reproduction of this metallic medallion.

He said it would be coming up again next year and if the price goes up it certainly will be known to the Commissioners,

It was then approved.

RESOLUTION NO. 337-81

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION ADOPT A RESOLUTION ESTABLISHING A FEE OF $3.00 FOR THE PERIOD JULY 1, 1981 TO JUNE 30, 1982, FOR EACH METALLIC TAXICAB MEDALLION ISSUED BY THE SAN FRANCISCO POLICE DEPARTMENT TO EVERY TAXICAB PERMIT HOLDER - APPROVED

WHEREAS, the Police Commission is the authority, under Section 1135.2.1 of the Police Code, for the setting of the annual fee for metallic taxicab medallions; and

WHEREAS, the Police Department has submitted a metallic taxicab medallion cost analysis indicating the cost of production and issuance of the metallic taxicab medallions; therefore be it

RESOLVED, that the Police Commission hereby establishes a fee of $3.00 for the period July 1, 1981 to June 30, 1982 for each metallic taxicab medallion issued by the San Francisco Police Department to every taxicab permit holder.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez: "I would just like to make one comment on behalf of the Commission before we adjourn. On behalf of the Commission we really want to thank the Staff for spending so much time and energy and doing an outstanding performance,

continually above and beyond, in this littany we have been going through as we try and provide due process and equity in the administration of our permits and, whatever, and we really want to thank all of you for your great work. Even though you get slammed from both sides as we do, that's part of the process of being in public life."

Deputy Chief Cordes: "Well Mr. President, Commissioners, we thank you very much and we appreciate the letter you sent which is in the Staffs personnel files, but this is Staff and you just can't load much more on them, so thank you."

The Commission then adjourned its meeting at 8:10 p.m.

SECRETARY

17 JUNE 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 17, 1981, at 1630 hours in regular session.

PRESENT: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

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Commissioner Murphy presiding.

Chief Murphy requested that the Chief's Report be handled at this time and the Commission acknowledged this request.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy: "Commissioners, thank you for taking this item out of order. I have the distinct pleasure of introducing to you tonight Mr. Charles Stewart, the Vice President of the Bank of America, who is also associated with the Chamber of Commerce and, as you may recall, we now have within the Department the Traffic Enforcement Officer of the Month. While it was sometime back last year, I believe it was around October or November when I first met with Charlie Stewart and some other members of the Ideas Committee of the Chamber, and it was out of that meeting that this idea creating the Traffic Officer Enforcement Officer of the Month was created. I think if we had to pick out one individual on the Committee that really spearheaded this activity, Charlie Stewart would be that man and I would like to have Charlie come up now. Charles Stewart."

Charles Stewart: "Thank you Chief Murphy, distinguished members of the Commission, audience. It is my pleasure to be with you this afternoon on behalf of the San Francisco Chamber of Commerce to honor the Traffic Officer of the Month, Officer Dodds, who has disinguished himself clearly and well serving in the interest of the Community of San Francisco, and heaping further honors upon the San Francisco Police Department. The recognition beyond just a thanks should be accorded to Officer Dodds, is the officer present?"

Chief Muprhy: "Officer Dodds come up. Officer Dodds was given the award of Traffic Officer of the Month

for the month of April and during that month he wrote 307 moving violations, 282 parking violations, 11 reports, 16 court reports and four arrests. I think it was a well deserved award."

Charles Stewart: "In addition to this very handsome Plaque, Officer Dodds, I would also like to present to you something which I hope will be shared by your family with you and that is on behalf of the San Francisco Chamber of Commerce, three days and two nights at the Sahara Tahoe at Lake Tahoe, with room, accommodations, food and beverages, and we hope that you enjoy yourself, and we hope that you will think of us back here sweltering in this heat while you enjoy yourselves up there, and I do congratulate you and at this time Mrs. Dodds, may I extend my congratulations to you and your lovely family too for work well done.

There is one additional thing, Karen Smith with Gurnett Advertising is with us this afternoon and would also, Chief with your permission, like to honor the officer."

Karen Smith: "As Mr. Stewart said, Gurnett Outdoor has made a committment as part of the Good Neighbor Program for a period of one year to honor each Traffic Officer of the Month and we do a billboard. And at the last presentation I had the pleasure of riding up with Officer McCann who said he was very embarrassed by the whole thing, but because the City's revenues are going up since the Traffic Officer of the Month started, I don't believe they are that embarrassed, and since I leave an 8x10 on my dash board every time I park in San Francisco, I think it is working. Thank you."

Charles Stewart: "Well, again, I would like to say it is a pleasure for us to participate in this program which we hope will continue for the months and years ahead. You typify the kind of dedicated service that we are pleased to recognize."

Commissioner Murphy: "Thank you very much, I would like to say for the Commission too, congratulations to you Officer, I hope you don't have writers cramps. That's a lot of citations and we are very honored and pleased that the Chamber is doing this for us to encourage people and, hopefully, some day we may not have to have so many written if people really obey the traffic laws, anyway it is wonderful and I am sure the rest of the Commission feels the same way."

PUBLIC HEARING RELATIVE TO ADOPTING STANDARDS AND CRITERIA FOR APPLICANTS TO QUALIFY FOR PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS. (CONTINUED FROM THE MEETING OF JUNE 3, 1981.)

Commissioner Murphy apologized for starting late to those parties who were waiting for this item as the Commission needed a quorum to get started. She said at the last meeting there was some question as to the criteria that was developed by the Department in several items, one of which was the requirement that the person live within 30 miles of City Hall.

She said after that meeting the Commission wrote to the City Attorney and asked him about not only that item but all of the items on criteria and now the Commission has a definitive answer and she then called Mr. Diaz to give a verbal response.

Mr. Diaz then said the written response to the Commission discusses the 15 criteria which were on the items passed out at the last hearing. He said one of those items that he pointed out at that time was that the law has consistently struck down residence laws imposed upon employees. He said after leaving the meeting, he re-read case law and now advises that it is appropriate for this Commission to impose the residency requirement contained in the Municipal Code, Section 1127a, because there isn't a case law basis to ignore that provision of the Code.

He said in regards to the other criteria, in which he has also researched, which are discussed in the letter, each of them and many of them must be adopted.

He said the advice that he gave the Commission last week with regard to the proposed 16th criteria is unchanged, that should not and may not be adopted unless it is adopted across the Board for all permittees, which is probably impractical.

Commissioner Murphy then mentioned an item in Proposition K, Section 6, which requires maintaining financial and accounting records which must be worked out, a report made to the Controller, she then requested comments on this from Officer Suslow who indicated that he was not familiar with the requirements of this section of the Proposition.

Commissioner Murphy then referred to the application form and requested that it be amended to include a list of the applicants' employers for the last 5 years their employers addresses and positions held and reason for leaving.

Commissioner Toler, upon conclusion of discussion by the Commission, moved for adoption of the proposed criteria.

It was seconded by Commissioner Nelder who said he felt that the Criteria, as listed, has been thoroughly researched and felt that it would aid all parties concerned if followed as outlined.

It was then unanimously approved.

RESOLUTION NO. 354-81

STANDARDS AND CRITERIA FOR APPLICANTS TO QUALIFY FOR PUBLIC CONVENIENCE AND NECESSITY TAXICAB PERMITS - ADOPTED

WHEREAS, the Police Commission has held hearings on the issuance of Public Convenience and Necessity for the operation of taxicabs in the City and County of San Francisco on February 11, 1981, with hearings continuing at various intervals until and including June 17, 1981; and

WHEREAS, during those hearings, a set of Standards and Criteria for applicants to qualify for Public Convenience and Necessity Taxicab Permits were proposed; and

WHEREAS, said Standards and Criteria were submitted to the City Attorney's Office for his analysis and approval; and

WHEREAS, on June 17, 1981, the City Attorney, in a written and verbal response indicated those Standards and Criteria that could be legally adopted by the Police Commission; therefore be it

RESOLVED, that the below-listed Standards and Criteria for applicants to qualify for Public Convenience and Necessity Taxicab Permits, be, and the same is hereby approved.

CRITERIA	AUTHORITY	EVIDENCE
PERSONAL		
1. Places of previous employment covering five years next preceding date of application.	1127(f) MPC	Permit Application.

2.	Twenty-one years of age or over.	1127(b)	Driver's License.
3.	Ability to read and write English.	1127(d)MPC	Completion of Application in presence of a police officer.
4.	Record of felony and misdemeanor convictions.	1127(f)MPC	CABLE Printout.
5.	Operator's driving history.	1127(f)MPC	DMV printout furnished by applicant.
6.	Record of sustained complaints of violation of Chief's Taxicab Regulations.	Section 1(b) Prop. K.	Report by Taxicab Enforcement Detail.
7.	Knowledge of Chief's Regulations, California Vehicle Code, the provisions of Sec. 1115-1160 MPC, and the geography of the City.	Section 1129, MPC.	Completion of Examination.
8.	Operators physical health and freedom from alcohol or other drug addiction.	Section 1127(c) MPC	Physician's Letter.

	CRITERIA	AUTHORITY	EVIDENCE
	FISCAL		
9.	Financial responsibility.	Sec. 3(a) Prop. K	Statement filed with Police Commission.
10.	Insurability.	Sec. 1080 MPC	Certificate of Insurance filed with Permit Bureau.

CRITERIA	AUTHORITY	EVIDENCE
OPERATIONAL		
11. 24-hour radio dispatch capability.	Police Commission.	Taxicab Enforcement Detail Inspection.
12. Accurate taximeter.	Sec. 1136(a) MPC	Possession of valid current Weights and Measures Seal.
13. Hours cab to be in service.	Police Commission.	Written statement of applicants.
14. General appearance of interior and exterior of vehicle.	Police Commission.	Annual inspection by Taxicab Enforcement Detail.
15. Vehicle Safety.	Police Commission.	a) Annual State of California brake, roadlamp, and smog inspection certificate filed with Permit Bureau. b) Possession of Airport Decal.

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

Commissioner Murphy then asked Mr. Diaz if the Commission could modify the application forms without holding public hearings.

Mr. Diaz stated that it was an administrative matter which could be done directly by Department Staff.

He then responded to the Commissioner's earlier question regarding Section 6 of Proposition K, the

Controller's Regulations which should be issued in written form and are analogous to the Chief's operating regulations with regard to prompt, courteous and etcetera service. He said that there is nowhere in the application to get into perspective ability to comply and might properly be the subject for the examination, i.e., "Do you know the Chief's Regulations? Do you know the Traffic Code? Do you know the Controller's Regulations?"

Commissioner Murphy then suggested that Officer Suslow work with the City Attorney in modifying the application form.

Commissioner Nelder also requested that it be submitted to the Commission for final adoption.

The Commission then returned to the regular numbered items on the calendar.

The Commissioners, having received, amended and returned copies of the minutes of the meeting of May 13, 1981, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Nelder,Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 341-81

LISA VULKALCIC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Lisa Vulkalcic against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1981

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 342-81

DENEE L. CHIC

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Denee L. Chic against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 28, 1981

AYES: Commissioners Nelder, Toler,Murphy

ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 343-81

DANIEL V. GRINNELL

RESOLVED that the recommendation of the City Attorney for settlement of the claim of Daniel V. Grinnell against the City and County of San Francisco in the sum of $40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 18, 1981

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 344-81

ALAN MC CARTHY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alan McCarthy against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: March 10, 1981

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 345-81

KEITH W. BAINBRIDGE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Keith W. Bainbridge against the City and County of San Francisco in the sum of $35.00 as the resutl of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 19, 1981

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 346-81

HERBERT SCHMIDT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Herbert Schmidt against the City and County of San Francisco in the sum of $285.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 25, 1981

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 347-81

RENE MAROTEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Rene Maroten against the City and County of San Francisco in the sum of $497.00 in Small Claims Court No. 385 097 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: February 19, 1981

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

POLICE COMMISSION REPORT

a) Charter Amendment (first draft), Adding Section 8.405-1 to increase the compensation to Members of the Police Department assigned to duty to disarm and dispose of explosive and inflammable materials.

Commissioner Murphy: "Well, I am certainly for that."

Commissioner Nelder: "A couple of questions. How many members are on the Bomb Disposal Unit?"

Chief Murphy: "I believe, off hand Commissioner, there would be six that would qualify for this compensation, but what disturbs me is how this initiative got started in the first place, it certainly did not come through my office, or through the Commission's Office, and I am just wondering what was the impetus by, or who got this thing going in the first place?"

Commissioner Nelder: "Well, I don't think fellow Commissioners, that we should take any action wherein the Chief isn't fully advised and apprised of all of the particulars involved here, and I think that before we take any action that....."

Commissioner Murphy: "I am not adverse to recognize the danger inherent in their job and everything, but I think the proper protocol would be to......."

Commissioner Nelder: "There isn't any question about that, but I do believe that when it's an operational process where it pertains to the Department under your direction, then it shouldn't get on the agenda here before you have an opportunity to study it, so I will move that this matter be submitted to the Chief and taken off calendar until he sees fit to bring it back."

Chief Murphy: "The first I saw of this was, I believe, yesterday afternoon or the day before, and there have been discussions over the years from time to time but nothing within the last year and a half that I know of."

Commissioner Murphy then mentioned that at this time the Commission should have some discussion

among themselves as how to proceed in selecting the 19 applicants to be issued permits.

Commissioner Nelder stated that the format probably would be that the Permit Bureau would make the investigations of the first 19 applicants and present them before Deputy Chief Shannon at a Permit Hearing, and the reason for that would be to give them an opportunity to speak to the Acting Chief and come up with any, either pro or con, statements they may want to make. He said predicated upon those statements and what Proposition K has instructed us to do in that applicants would be considered pursuant to the way they applied to the Permit Bureau. He felt that that would be the proper way to proceed.

Officer Suslow said they would develop the Staff work and bring it back to the Commission before sending it out.

The next item was then called.

REQUEST OF THE POLICE OFFICERS' ASSOCIATION FOR A MEET AND CONFER REGARDING GENERAL ORDER NO. S-1, "PERSONAL PROPERTY CLAIMS."

Deputy Chief Shannon said he has already Met and Conferred with the San Francisco Police Officers' Association on this matter and requested that it be set for Public Hearing on July 8th.

REQUEST OF THE POLICE OFFICERS' ASSOCIATION FOR A MEET AND CONFER REGARDING GENERAL ORDER NO. B-3, "EQUIPMENT."

Deputy Chief Shannon said he has already met also with them on this item and he has sent amended copies to the Secretary and request that it be set 1 week hence to the 24th of June.

SETTING OF DATE FOR PUBLIC HEARING RELATIVE TO GENERAL ORDER NO. G-1, "DEPARTMENT MOTOR POOL."

Deputy Chief Shannon said on this item there was no request for a Meet and Confer and, therefore, request that it be set for June 24, 1981.

SETTING OF DATE FOR PUBLIC HEARING RELATIVE TO GENERAL ORDER NO. R-3, "UNDERWATER RECOVERY UNIT."

Deputy Chief Shannon said number 9 is exactly the same as number 8, in that there has been no request for a Meet and Confer, there are no problems with it, and request that it be set also on next week's Calendar for Public Hearing.

NOTIFICATION OF REVOCATION OF MOTOR VEHICLE FOR HIRE PERMIT HAS BEEN SENT TO MR. JORGE GRANERA FOR FAILURE TO COMPLY WITH SECTION 4a, PROPOSITION K, AND SECTIONS 1089-1090 OF THE POLICE CODE. (CONTINUED FROM THE MEETING OF MAY 27, 1981.)

Officer Suslow appeared on this matter and stated that the Commission three weeks ago, allowed Mr. Granera an extension of time to bring in his Van, proof of having a driver's license and no one from Mr. Granera's family or himself has contacted him.

He said yesterday he ran Mr. Granera through the Computer and he still, according to the computer, has no driver's license.

Commissioner Nelder then said that he felt that the permittee did not allow the Commission any latitude and, therefore, he would move for revocation.

Commissioner Toler seconded and it was unanimously approved.

RESOLUTION NO. 348-81

JITNEY BUS LICENSE AND/OR PERMIT - JORGE GRANERA - REVOKED

WHEREAS, on May 22, 1981, the Police Commission sent a communication, certified mail return receipt requested, to Jorge Granera notifying him that it would conduct a hearing on May 27, 1981, to determine whether it should direct the Police Department to revoke his permit and/or license for abandonment of his jitney bus business; and

WHEREAS, Mr. Granera failed to appear at the Police Commission hearings of May 27, 1981 and June 17, 1981, and he was not represented by counsel; therefore be it

RESOLVED, that the Police Commission pursuant to the provisions of Section 4a of Proposition K, does hereby find that Jorge Granera is not operating his jitney bus and has not so operated it for a period in excess of then (10) consecutive days, and has abandoned his said jitney bus business for a period of ten (10) consecutive days; and be it further

RESOLVED, that the Police Commission having given five (5) days written notice to Jorge Granera that his permit is subject to revocation as provided in Section 4a of Proposition K does hereby direct the Police Department of the City and County of San Francisco to revoke the license and/or permit authorizing Jorge Granera to operate a jitney bus on the Mission Street route.

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

RESOLUTION NO. 349-81

POLICE OFFICER SYLVIA DAVID, VICE CRIMES-NARCOTICS DIVISION

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Police Officer Sylvia David, Vice Crimes-Narcotics Division, as follows:

SPECIFICATION NO. 1

Failure to truthfully and without evasion, answer questions propounded. (Violation of Section 2.49 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Neglect of Duty and Engaging in conduct which tends to subvert the good order, efficiency and discipline and bring

discredit on the Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department.

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Sylvia David, Vice Crimes-Narcotics Division, is set for Wednesday, June 24, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

Officer David, although not present, submitted a written response to the charges against her as follows:

"June 15, 1981

Dear Commissioners,

Pursuant to rule 5.149.5 of the Rules and Procedures of the San Francisco Police Department, this written entry shall constitute a plea of not guilty.

Kindly notify me in writing of the specific date and time this matter will be set for hearing or any preliminary motion before the honorable commission.

Respectfully submitted,

s/Sylvia David
Sylvia David."

RESOLUTION NO. 350-81

REQUEST FOR SUPPLEMENTAL APPROPRIATION TO CONTINUE THE SENIOR CITIZEN ESCORT SERVICE'S "WALKING PATROL" FOR AN ADDITIONAL YEAR.

RESOLVED, that the Police Commission hereby approves the request for a Supplemental Appropriation in the amount of $88,727, transferring funds from any legally available source at the disposal of the Controller to the Police Department sponsored Senior Citizen Escort Service for continuation of the "Walking Patrol."

AYES: Commissioners Nelder, Toler, Murphy

ABSENT: Commissioners Daly, Sanchez

The Commission then adjourned its meeting at 5:50 p.m.

SECRETARY

24 JUNE 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, June 24, 1981 at 1700 hours, in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

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Commissioner Murphy presiding.

The Commissioners, having received, amended and returned copies of the minutes of the meeting of May 20, 1981, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU

Sergeant Andrew Quaglia in speaking on the items of the Traffic Calendar, asked if item number 9 could be held over two weeks as there are different addresses on this application as opposed to another application from the same person and therefore, ask that it be held over.

Commissioner Murphy inquired as to whether any persons in the audience wished to speak on any matter of the Traffic Calendar. Since none responded, the entire Consent Calendar was approved.

RECOMENDATIONS OF THE TRAFFIC CALENDAR - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

150 PERRY - CHARLES D. ALLEN

a) At 150 Perry, install a 22' yellow zone, extending from 16' to 38' east of west property line.

3301 STEINER STREET - THE GOOD GUYS

a) At 3301 Steiner Street, install a 22' yellow zone, extending from 10' to 32' south of north property line.

150 DRUMM - FOUR EMBARCADERO CENTER

a) At 150 Drumm, install a 28' white zone, extending 28' directly in front of entrance east side of street under the cross-over.

289 DIVISADERO STREET - CURIOUS & CANDLES

a) At 289 Divisadero Street, install a 22' green zone, extending from existing yellow zone 22' south of same.

200 FOLSOM STREET - GOLDEN GATE BRIDGE DISTRICT

a) At 200 Folsom Street, revoke existing 20' yellow zone, extending from 96' to 116' west of Main. (Leaves 25' yellow.)

b) Replace with 20'blue zone, extending from 96' to 116' west of Main Street.

2515 FILLMORE STREET - SAN FRANCISCO DAY SCHOOL-DENIED.

a) At 2515 Fillmore Street, install a 66' white zone, extending from 9' to 57' east of west property line. DENIED.

b) At 2515 Fillmore Street, install a 22' white zone, extending from 9' to 31' east of west property line. GRANTED.

2300 MASON STREET - ILWU FEDERAL CREDIT UNION -DENIED.

a) At 2300 Mason Street, revoke existing 40' green zone, extending from 21' to 61' north of Francisco Street. DENIED.

b) Replace with 40' white zone, extending from 21' to 61' north of Francisco Street. DENIED.

1499 WASHINGTON STREET - ENVEROGRAPHICS - DENIED

a) At 1499 Washington Street, install a 22' yellow zone, extending from 10' to 32' east of west property line. DENIED.

1356 VAN NESS AVENUE - SHANGRI-LA HOTEL - CONTINUED FOR TWO WEEKS.

a) At 1356 Van Ness Avenue, install a 22' white zone, extending from 6' to 28' south of north property line. CONTINUED FOR TWO WEEKS.

b) Remove meter 1330. CONTINUED FOR TWO WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 20 feet of yellow zone, at the part of the City, at the location submitted, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 352-81

AUTHORIZING ATTENDANCE OF SERGEANT TOM SUTTMEIR AND INSPECTOR BOB SLEADD, PHOTO LAB, AT A COLOR

PROCESSING SYSTEM MAINTENANCE CLASS AT MINNEAPOLIS, MINNESOTA, FROM AUGUST 10, 1981 THROUGH AUGUST 12, 1981.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Tom Suttmeir and Inspector Bob Sleadd, be detailed to attend a Color Processing System Maintenance Class at Minneapolis, Minnesota, from August 10, 1981 through August 12, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Suttmeir and Inspector Sleadd, in a sum not to exceed $1,129.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 353-81

AUTHORIZING ATTENDANCE OF POLICE OFFICERS MICHAEL GRIFFIN AND LAWRENCE RYAN, POLICE ACADEMY, AT A FIREARMS INSTRUCTOR COURSE AT EUREKA, CALIFORNIA, FROM JULY 13, 1981 THROUGH JULY 24, 1981.

RESOLVED, that the recommendation of the Chief of Police that Police Officers Michael Griffin and Lawrence Ryan, Police Academy, be detailed to attend a Firearms Instructor Course at Eureka, California, from July 13, 1981 through July 24, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officers Michael Griffin and Lawrence Ryan, in a sum not to exceed $735.00 each, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

POLICE COMMISSION REPORT

Commissioner Murphy said that many people already know of the problems encountered in getting the Police Youth Fishing Program off the ground because of a lack of money. She said the organization is attempting to raise approximately $15,000 for about 6 to 9 thousand children. She said Deputy Chief Shannon, who is the Chairman of the Board, assigned all members of the Board the task of raising $500 dollars each.

She said she then wrote to some of her friends who responded likewise, "Dear Jane, Thanks very much for your letter of June 4th, I am delighted to enclose a check for $400 in support of the most worthwhile annual Fishing Program. I hope you have a tremendous success in your fund raising efforts. Highest regards, Bob Lurie."

She said to Deputy Chief Shannon if he would come forward she would present the check to him. This check was then presented to Deputy Chief Shannon.

Commissioner Daly said she had just one item and it had to do with the Department Special Orders for the monitoring of the Gay Freedom Parade. She said the orders look real good and she was curious about the cooperation between the police and the monitors and who is in charge of that liaison the day of the parade?

Chief Murphy said that Commander Canepa was the liaison with the monitors.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy: "Commissioners, if you recall, at the June 3rd meeting you directed me to conduct a comprehensive review of the practices of the Department's Internal Affairs Bureau with specific reference to the allegations of improper investigations which were raised in a memorandum dated May 11th, 1981, to Mayor Feinstein from Ms. Catherine Barron in the Citizens Assistance Center. That report has been completed and it was submitted to you last night, It was a lengthy report and I don't know if you all have had time to review that, but basically, the report consists of the history of the Internal Affairs, the procedures, records of recent investigations, confidentiality, and there are some conclusions and recommendations in that report which, after you have

had an opportunity to review, I would be happy to discuss it with you at any time."

Commissioner Nelder: "Well, I received a copy of the report and it is quite lengthy, and quite bulky, and I think all of us have a copy of that report and I would say that,probably, we could review it next week, however, I don't think there will be a full Commission next week, so I would make a motion at this time to have this matter placed on the agenda two weeks from today."

Commissioner Toler: "I would second the motion."

Commissioner Murphy: "Any discussion? All those in favor say Aye. (Unanimous Ayes.) Now I have a question I would like to ask. I have been asked by numerous people as I assume others have, 'will the report be available, sometime or other, to interested persons.'"

Chief Murphy: "Well, it's my report to you Commissioner, whatever you wish to do with it. If you want to release it, I assume that you are talking to the media, if you want to release it to the media that's your option."

Commissioner Murphy: "Well, I think that we will not release it until we have had a full Commission discussion of it, for example. And then a discussion as to whether we wish to release it or not."

Chief Murphy: "There is some question in my mind that I would like to review with the Legal Department as to the confidentiality of some of the information that may be in here as it pertains to specific investigations. I think I would like to clarify that point before a decision is reached as to whether or not the entire report should be publicly released."

Commissioner Murphy: "Yes, I reviewed about a half an inch of it, it is about an inch and a half thick, and last night I noticed you don't use names of officers or other persons except for the complainants,of course, but still there may be other items."

Chief Murphy: "Those names have already been made public in the Barron Report.

Commissioner Murphy: "I know."

Chief Murphy: "I would like to clarify that with the Legal Department before a decision is made to make it public."

Commissioner Murphy: "Well then as I understand what we will do then, two weeks from tonight, is to discuss this and do we want to hear from others, or what is your pleasure?"

Commissioner Nelder: "Well, yes, two weeks from tonight but I would also suggest Madam Chairperson, that the Chief be directed to have Mr. Wilson, and/or Mr. Martin, and/or both, here on that particular occasion so that they could give us whatever direction they may."

Commissioner Murphy: "Okay, is there anything else? Okay. Yes?" (Response to member of the audience.)

Member in Audience: "Madam Chairperson, may I address the Commission for a moment?"

Commissioner Murphy: "Yes."

Member in Audience (Amitai Schwartz): "On the subject of the confidentiality of the report, could we request that the Legal Department, or City Attorney's Opinion, be made prior to the two weeks when the Commission is going to review this? Because I think the question is not so much whether the Commission wants to release the report, but whether the Commission is required under State Law to release parts of the report, or the entire report. Although there may be portions of it that can lawfully be kept confidential, the remaining portions ought to be released as soon as possible."

Commissioner Murphy: "I don't think there would be any questions about our asking the City Attorney for an opinion on this would there? Mr. Martin?"

Robert Martin: "Would you get this gentleman to identify himself?"

Commissioner Murphy: "Oh, I am sorry, this is Amitai Schwartz."

Amitai Schwartz: "Yes, I am sorry too. I am Amitai Schwartz from the American Civil Liberty's Union."

Commissioner Murphy: "Do you have any comment on that Mr. Martin, or Chief?"

Lawrence Wilson: "Mr. Martin and I, when the question came up, agreed that the press would certainly be inquiring in the morning about the Brown Act requirements about this so we would certainly review the report and make whatever recommendations the Chief would think appropriate and discuss this with the City Attorney so that we feel whatever recommendations we make would share the full weight of the City's Legal Council."

Commissioner Murphy: "Thank you, that sounds alright. Okay then the order is to review this and have a full Commission meeting on it. Dr. Sanchez will be back at that time also in two weeks time."

Chief Murphy: "It was the Commission's feeling then, barring any objection from the City Attorney's Office, or our own legal council, that portions of, or, the entire report could be released to the media?"

Commissioner Murphy: "I think, I don't know, I would feel that we would release whatever, I mean after all it's not a secret, whatever is appropriate and legal."

Commissioner Daly" "I have a point of information or clarification. I have a real concern. I haven't had time to go through the entire thing. I would be concerned from my perspective that if information was released to the press before the Commission determined whether we would be holding administrative hearings or not, that we would damage, possibly, our credibility or lack of prejudice in the matters. I am sorry we don't have a full Commission for two weeks. I was hoping we could move on this so it doesn't appear we are blocking anything, and I sure don't want to appear like we are blocking anything to the press either, but this seems to reach the crux of the whole problem that involves the whole issue of Office of Citizens Complaints, the police credibility, civilians credibility with the police, I really think we have hit the heart of the matter as we raise these questions. I feel that if the City Attorney feels that it wouldn't prejudice the public body that sits here representing the citizens who has to make judgment on the quality of these investigation, I suppose we are in a position to be making a judgment on the quality of these investigations. I would sure hate to see that any action we take is going to possibly be jeopardized. I would also hate to see any harm come to any officers who might be deemed innocent, or not responsible, because of what could go on in the media and the demogoggery that goes on too, so I would really want a clear, clear clarification on what this means,

because if it invalidates this report then an awful lot of time has been spent to really examine our own internal processes that could be just dissolved in an instant, and that's not to keep the public from having all the information that the public needs to have. But I am really concerned that it has to be a very careful step on our parts."

Commissioner Toler: "Commissioner, are you saying that we as a Commission should review the report before releasing to the public and making a decision as a Commission?"

Commissioner Daly: "Well, if somebody really believes in the First Amendment I have some problems since....I don't know if this report was deemed confidential or not. But I think we could destroy our own process here. I mean the whole purpose behind this process by making an incorrect judgment and releasing what may be considered ....."

Commissioner Murphy: "Well as I understand it, we won't release anything until we hear from Mr. Martin and Mr. Wilson, and the City Attorney as to what we can release and what we cannot. So I think we are covered there as far as that is concerned."

Commissioner Nelder: "That would be my understanding, that we would convene before any release is made, because I think Commissioner Daly makes an excellent point. If I understand correctly Chief, there is some possibility that you may look into a case or two. If this is going to happen somebody is accused, or charged, then certainly that person may, there may be prejudicial action at this particular time. So I would assume that after, Mr. Martin and Mr. Wilson and presentation is made to the Commission then a determination would be made."

Commissioner Murphy: "That's what I understood too, which would take care of your concerns Commissioner Daly. Right?"

Commissioner Daly: "Right."

Commissioner Murphy: "Are we right on that?"

Chief Murphy: "Yes."

Commissioner Murphy: "Okay, I don't think we need a vote on this do we, particularly?"

Commissioner Nelder: "No, the matter is going over for two weeks for a hearing before this Commission and presentation by the Chief and at that particular time, Mr. Wilson and Mr. Martin will make recommendations to us after they have an opportunity to go over the report as to whether we can, or can not, and what parts we can, or cannot release, is that correct Mr. Martin?"

Commissioner Murphy: "Well, no I think it would come before then we would have to have....."

Robert Martin: "Right."

Commissioner Murphy: "I think what we could get to next week is what part of this is public information and which part is confidential. We ought to know that before we talk among ourselves, it seems to me. Okay? I don't think we need a vote on that particularly, do we Lieutenant?"

Lieutenant Frazier: "No."

Commissioner Murphy: "Okay, then it will be held... an open hearing will be held in two weeks from tonight. That's July 8th."

The Chief then stated that he had one more item on the Chief's Report in that several weeks ago Commissioner Murphy had submitted some photographs to him of unkempt conditions in the Potrero District that she wanted looked into and in that respect he had the Captain of Potrero and Officer Michael Mahoney make a presentation regarding those photographs.

The Captain said that in regard to one of the photos depicting an inordinate amount of tires piled in an area creating an unsightly and illegal condition, the owner of the property, a real estate firm, was cited but the charges were dismissed. However, he said, the owner was ordered to pay court cost. He said it has now been turned over to the Environmental Section of the Health Department, which has been very effective in the past in cleaning up this type of violation.

The Captain then went through each individual photo and explained what action he was taking to clear up the situation.

Commissioner Murphy then thanked him and said she had submitted these photos because she had received numerous complaints from the residents in that area. She said that it was a good report and the Captain and his men are really on top of it.

REQUEST OF LOUIS J. PONTI TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM MAY 19,1981 TO AUGUST 17, 1981.

Mr. Ponti appeared in person and indicated his request for this extension of time is to allow an injury to his hip bone to heal. It was then noted that the Chief of Police had recommended the granting of suspension of operation for Mr. Ponti to run for a period of May 19, 1981 to no later than August 17, 1981.

The request was then granted.

RESOLUTION NO. 355-81

REQUEST OF MR. LOUIS J. PONTI FOR PERMISSION TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM MAY 19, 1981 TO AUGUST 17,1981.

WHEREAS, Mr. Louis J. Ponti has requested that permission be granted to suspend operation of his Motor Vehicle for Hire Permit from May 19, 1981 to August 17, 1981; and

WHEREAS, Mr. Ponti appeared in person and presented oral testimony in support of his request; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Louis J. Ponti for permission to suspend operation of his Motor Vehicle for Hire Permit from May 19, 1981 to August 17, 1981, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder,Toler, Murphy

ABSENT: Commissioner Sanchez

PUBLIC HEARING RELATIVE TO CODE THREE AND PURSUIT DRIVING - GENERAL ORDER NO. F-2

Deputy Chief Shannon said this codifies, basically, what the Department has been telling the officers what they should do on Code Three runs, which is the red light and siren type of driving.

He said the Department has had Meet and Confer Sessions with the Police Officers' Association and a minor change was made. Now everyone is satisfied with the way it is and he would recommend approval.

Commissioner Nelder had a question on paragraph two, subsection (c).

Deputy Chief Shannon explained the purpose of that section is, if necessary, a third vehicle is allowed to join the pursuit but only with the permission of a supervising officer and communications.

The Commission then voted approval.

At this time a Mr. Harry Tate requested to speak on the issue and said that he hoped the order contained provisions to preclude officers from running all over town with red lights flashing and no siren. He then complained about an incident involving a funeral wherein officers wrote tickets for those vehicles in the funeral and then also tagged the men who were escorting the funeral on motorcycles.

Chief Murphy stated that the Department had all of the information on the case and the law prohibits anyone, except a sworn police officer, from regulating motor vehicle traffic. He said the particular person who is providing this escort to the funeral homes in the city has been doing this in violation of the law for some time and has received numerous warnings. He said Mr. Tate's reaction was entirely appropriate in that the timeliness of the officers in handling the situation was not appropriate.

Commissioner Nelder then asked if there were any other public testimony on this item and since there was none he moved for approval and it was unanimously approved.

RESOLUTION NO. 356-81

CODE THREE AND PURSUIT DRIVING POLICY - GENERAL ORDER NO. F-2 - APPROVED

RESOLVED, that Department General Order No. F-2, Code Three and Pursuit Driving Policy is hereby

approved for issuance.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL ORDER NO. B-3 REGARDING "EQUIPMENT."

Deputy Chief Shannon said this item is just an update of the Department's Orders in that it was originally in the old rule book which is being re-written and some changes were made to this order to update it to according with what is now in effect.

RESOLUTION NO. 357-81

DEPARTMENT GENERAL ORDER NO. B-3, REGARDING "EQUIPMENT" - APPROVED

RESOLVED, that Department General Order No. B-3, "Equipment," is hereby approved for issuance.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

PUBLIC HEARING RELATIVE TO GENERAL ORDER NO. G-1, "DEPARTMENT MOTOR POOL."

Deputy Chief Shannon said the Department had a Special Order out on this item and, basically, Special Orders are only good for one year, and it is now proved to work to the satisfaction of the Department and, therefore, recommended that it be put in the form of a General Order.

RESOLUTION NO. 358-81

GENERAL ORDER NO. G-1, "DEPARTMENT MOTOR POOL."- APPROVED

RESOLVED, that Department General Order No. G-1, "Department Motor Pool," is hereby adopted.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

PUBLIC HEARING RELATIVE TO GENERAL ORDER NO. R-3, "UNDERWATER RECOVERY UNIT."

Chief Murphy said the Department has 12 members officially in the Underwater Recovery Unit and there are also 4 members in the Bomb Unit who would be available for service who can do the work, if necessary.

He said if there are more people that are interested, there is no cost to the Department other than allowing them once or twice a year to do a small amount of training.

RESOLUTION NO. 359-81

GENERAL ORDER NO. R-3, "UNDERWATER RECOVERY UNIT." - APPROVED

RESOLVED, that Department General Order No. R-3, "Underwater Recovery Unit," is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

SETTING OF DATE FOR HEARING OF POLICE OFFICER SYLVIA DAVID, VICE CRIMES-NARCOTICS DIVISION

Commissioner Nelder said this was the item that was on the calendar last week and Officer David was not present at that time. It was suggested, he said, that she

be notified to appear so that the Commission and she, could arrive at a date mutually agreeable to both parties.

Mr. Martin, attorney for the Department, said he had spoken to Officer David who is also now present, and she said she had not as yet obtained the services of an attorney to handle her defense.

The Commission then voted to put the matter over to the 29th of July for setting of date for the hearing.

RESOLUTION NO. 360-81

SETTING OF DATE FOR THE HEARING OF POLICE OFFICER SYLVIA DAVID, VICE CRIMES-NARCOTICS DIVISION

WHEREAS, the setting of the date for the hearing of disciplinary charges filed against Police Officer Sylvia David, Vice Crimes-Narcotics Division, was called, it having been set for this date; and

WHEREAS, it was requested by Police Officer Sylvia David, that the date for the setting of the hearing before the Police Commission be set for July 29, 1981; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Sylvia David, Vice Crimes-Narcotics Division, is set for Wednesday, July 29, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 361-81

PATROL SPECIAL OFFICER RAYMOND A. ADKINS, MISSION POLICE DISTRICT

WHEREAS, charges of violating the Rules and Procedures of the San Francisco Police Department were filed against Patrol Special Officer

Raymond D. Adkins, Mission Police District, as follows:

SPECIFICATION NO. 1

Soliciting or accepting clients outside of the confines of his defined beat area. (Violation of Section 3.437 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department.)

SPECIFICATION NO. 2

Failure to truthfully and without evasion answer questions propounded. (Violation of Section 2.49 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department.)

SPECIFICATION NO. 3

Conduct which reflects discredit upon the Police Department. (Violation of Section 2.13 of the Rules and Procedures for Patrol Special Officers of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Patrol Special Officer Raymond D. Adkins, Mission Police District, is set for Wednesday, July 8, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

RESOLUTION NO. 362-81

STATUS REPORT IN THE MATTER OF INSPECTOR WILLIAM C.

BIGARANI, BUREAU OF INVESTIGATIONS

WHEREAS, the hearing of Inspector William C. Bigarani, Bureau of Investigations, was called, it having been set for this date; and

WHEREAS, a communication was received from William T. Beirne, Attorney at Law, advising that Inspector Bigarani's trial is scheduled for July 16, 1981, and requesting that the Commission postpone the hearing until some time after that date; therefore be it

RESOLVED, that a status report in the matter of Inspector William C. Bigarani, is hereby set for Wednesday, July 29, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy

ABSENT: Commissioner Sanchez

The Commission then adjourned its meeting at 6:13 p.m.

SECRETARY

1 JULY 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 1, 1981 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

The Commissioners, having received, amended, and returned copies of the minutes of the meeting of May 27, 1981, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

758 BROADWAY - HUNG MING TRADING CO.

a) At 758 Broadway, install a 22' yellow zone, extending from white zone 22' east of same.

b) Remove meter #728.

20 WOODSIDE - ST. JOHN'S UNITED CHURCH OF CHRIST

a) At 20 Woodside, install a 22' blue zone, extending from west building line 22' west of same.

2119 FILLMORE STREET - CITY SAFE & LOCK

a) At 2119 Fillmore Street, install a 22' yellow zone, extending from 7' to 29' south of north property line.

b) Remove meter 2019.

366 FELL STREET - SAN FRANCISCO FIREMEN'S HOSPITAL FUND BUILDING

a) At 366 Fell Street, install a 44' green zone, extending from east building line 44' west of same.

360-9th AVENUE - STAR OF THE SEA

a) At 360-9th Avenue, install a 66' white zone, extending from 8' to 74' north of south property line.

2311 TARAVAL STREET - SOCIAL SECURITY ADMINISTRATION

a) At 2311 Taraval Street, install a 44' blue zone, extending from east building line 44' west of same.

327-3rd AVENUE - SLOAT GARDEN CENTER - DENIED

a) At 327-3rd Avenue, install a 44' green zone, extending from south property line 44' north of same. DENIED.

100 SUTTER STREET - S.F.P.D. - REVOKED

a) At 100 Sutter Street, revoke existing 36' yellow zone, extending from 19' to 55' west of Montgomery Street.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 36 feet

of yellow zone, at the part of the City, at the location submitted, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder,Toler, Murphy, Sanchez

RETIREMENTS

Communications were received form the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Captain Joseph M. Flynn, Vice Crimes, for service, effective May 13, 1981.

b) Captain Robert M. Mucci, Park Station, for service, effective May 11, 1981.

c) Captain Merritt R. McKevitt, Southern Station, for service, effective May 10, 1981.

The communications were ordered filed.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 363-81

COURTESY TOW SERVICE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Courtesy Tow Service against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 364-81

BRIAN M. GARRETT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brian M. Garrett against the City and County of San Francisco in the sum of $25.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 22, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 365-81

STATE FARM INSURANCE COMPANY AND IRENE RAKOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the State Farm Insurance Company and Irene Rakos against the City and County of San Francisco in the sum of $195.40 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: October 31, 1980

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 366-81

WALTER J. FARRELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Walter J. Farrell against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 1,1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 367-81

LESHER OFFICE MACHINES

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Lesher Office Machines Company against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 8, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 368-81

CAROL OLSON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Carol Olson against the City and County of San Francisco in the sum of $30.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 22, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 369-81

EMIL SAYADA AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Emil Sayada and his attorney against the City and County of San Francisco in the sum of $6,000.00 in Superior Court Action No. 759-342 entitled, "Emil Sayada vs. City and County of San Francisco, et al.," as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 18, 1979

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 370-81

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Captain Richard D. Klapp	$800.00	(F.B.I., National (Academy at Quantico, (Virginia, from March (29,1981 to June 12, (1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Sanchez: "At this point, let me just thank my colleagues for the last couple of weeks for doing an outstanding job of carrying on the Commission's work. Unfortunately, I wasn't in town and when I came back I was a little surprised to take a look at some information that had been disseminated and, therefore, discussed as a major crisis in the history of the San Francisco Police Department. Let me just sort of give a historical perspective and a statement that the Commission has reviewed along with Legal Council and legal staff pertaining to the actual report that evidently has been partially disseminated, fully disseminated or, whatever, depending on one's interpretation. Roughly, I guess in the latter part of May of early June, there was a report done by one of the staff people of the Mayor's Office and certain allegations made. At that point there were some initial responses made both by members of government and also within the Department itself. However, the Police Commission at the meeting of June 3rd took this matter very seriously, because we feel as a Commission any allegations pertaining to the degrees, or lack of degrees, of expertise of law enforcement in this city is a major concern to the Police Commission. As a result of that we directed Staff to undertake a comprehensive review and findings pertaining to the staff report of improper practices, alleged improper practices of IAB and other areas of concern, period. The Commission did this publicly with full confidence that the staff of the

San Francisco Police Deaprtment, along with our crew, would be able to undertake this comprehensive finding and review to show, in essence, that we have a system which is operational, perhaps there are many positive signs to it, perhaps there are signs that need revision or certain areas that must be improved but, nonetheless, this was directed in the June 3rd meeting of this Police Commission. At that time it was scheduled to be calendared for last Wednesday, whereby the findings of the report would be made public.

This Commission has acted publicly in the best interest of, hopefully, all citizens of San Francisco in order to insure that the checks and balances of law enforcement in this city are indeed of the highest caliber. Now since last Wednesday, rather than release the report at that point, the Commission held this matter over for one week until such time as legal council, both within the department, and the City Attorney's Office, would have an opportunity to review and study the comprehensive report, which was done by the Chief and presented to the Commission last week. Because of the fact that there are certain areas, which by law, cannot be disseminated mainly in reference to people or persons who have given their names and have filed either allegations, or specifications, against the department that this would be in violation of certain, either legal laws, or procedures, or city ordinances, or state law, etcetera. These have all been reviewed thoroughly by the Department and by Legal Council with the Commission and all materials pertaining to that have been deleted from the actual report which the Commission received last Wednesday.

Because of the inquiries that have been raised, but more importantly, because, in essence, this was scheduled to be disseminated last Wednesday, publicly, the Commission now, after this meeting, will have available for the press and for the public, copies of the Chief's Report to the Commission pertaining to the allegations and pertaining to the overall operations of the IAB Services, Staff, manpower, training, and also reliability of data. Let me just say this, having been away for a few weeks, I read the report early Tuesday morning, I read it again last night and I feel that it is a very, very comprehensive report that zeros in on a number of strengths in the department, but more importantly, it zeroes in on a number of areas where the department and the Commission will be addressing in the future in order to insure that accountability of law enforcement in the city is of the highest priority.

There are many excellent recommendations. There are areas of concern that the Commission will review with the Chief next week. The Chief has set up a task force of his high ranking officers

to review and make some specific recommendations of which he will discuss in a second, briefly, it is not a quote, "white wash," of either alleged practices or malpractices of the San Francisco Police Department, it is, in fact, an academic comprehensive study showing, in essence, that there is a structure here, there are many positive areas of the structure, but there are some difficulties that must be addressed and will be shored up to insure that the police department with the Police Commission sitting as a Civilian Review Board of this body, insures true and equitable law enforcement in this city. This is our function and mission and, on behalf of the Commission, Chief, we would like to thank you and the staff for a very open assessment of where we are as a department pertaining to our status as far as IAB and some recommendations which we will be looking forward to hearing from you and the Staff next Wednesday, and which we will be discussing publicly and also invite public discussion at the next Wednesday's meeting.

Let me say this again, the report is available, it's available, I think, in the Chief's Office now for members of the press, the reports will be available tomorrow for anybody who wishes a copy of it. It's a chance to take a look at the San Francisco Police Department. How, in fact, the system operates and a number of cities that are going through crisis-type modes asking for accountability because so many civilians have been shot, or injured, where gun control is a way of life, or not a way of life.

This gives the San Franciscans a unique opportunity to share through the press and media some of the excellent work of the Staff as they take a look at our methods and methodology of law enforcement and accountability in San Francisco.

Chief, did you wish to add anything to that, especially in regards to your task force which you are setting up?"

Chief Murphy: "Commissioner, the Task Force has been set up. It consists of Commander Gerald D'Arcy of the Traffic Division, Captain Dick Trueb of the Legal Division, Captain Mahoney of Internal Affairs and Captain Paul Kotta of Potrero Station. Their first meeting will take place tomorrow at 10:00 o'clock and for next Wednesday's Commission meeting we will have a preliminary report as to their findings. The final report will be submitted, I believe it will be in three weeks from the next meeting."

Commissioner Sanchez: "So, therefore, we are talking about a four week time frame with next week being sort of the first series whereby there will

be some staff recommendations, there will be at that point a thorough Commission review both of the report and also of specific recommendations, and then we will hold it over again for the other three weeks when additional findings and recommendations are, in fact, part of discussion."

Chief Murphy: "If they finish their work before that then we can schedule it ahead of time."

Commissioner Sanchez: "Fine, fine and all of the recommendations, etcetera, at that Wednesday meeting will be reviewed by Legal Council and will be disseminated to the press and members of the public.

This is the way the Commission has operated in the past and it will be the way we will continue to operate to insure that, in essence, this is not a quote, "White Wash," unquote, body that turns its head and doesn't look at any area of objectivity. So we hope that this, in essence, will answer a number of issues that may have been raised, and we hope that your input will give us additional insight to insure that accountability of law enforcement in this city remains one of the top priorities of this Commission.

Is there further discussion Chief, pertaining to this matter?"

Chief Murphy: "No."

Commissioner Sanchez: "If not, may I ask my fellow Commissioners if, in fact, there are any other items under the Police Commission Report, or any discussions you wish to make now pertaining to the areas we have just stated? I would just like to add a footnote. At 5:30 we are having the awards ceremony, especially to members of the press, I know that there are many items going I would hope that you, might also want to stay and take a look at some of San Francisco's finest who put life and limb above and beyond the call of duty to insure that law enforcement in this city is a high priority. Commissioner Daly?"

Commissioner Daly: "I have another subject. Last Sunday, over 200,000 people gathered and I think that this whole city should be extremely proud the way the communication levels worked between the monitors and the police. I was in the Command Center and the fact that there were only four arrest, I thought, was spectacular and only one incident, I think, is going to be coming to our attention and I believe there were probably some mis-communication between the command center and the montiors. I have asked for the complaints of the incident at 7th and

Market and the parade organizers have said that they will be holding a press conference on Friday to give badge numbers and descriptions of whatever incidents occurred. I was very pleased that there was only one incident. I believe that the mis-communication came because we thought the parade was over and reported that the parade was over. I believe that the officers were ordered to clear the street, however, the parade wasn't over. So, the officers drove into the middle of the parade and scared a lot of people. They hadn't seen the TAC Squad that had been protecting the parade from the outer rim. So I just wanted to mention it because I would like, when we receive these complaints, for us to cooperate and work with the monitors. I think that they have done a spectacular job.

I have had lots of calls about police officers who did splendid jobs and, of course, nobody remembers their badge numbers. But I would just like to make certain that we are aware that it's coming and be open and cooperative because every year it is a spectacular event.

I think we do real well and we could clear up whatever this mis-communication was and make certain nothing happens next year."

Commissioner Murphy: "Can I ask Commissioner Daly, what is the complaint and why are they having the Press Conference?"

Commissioner Daly: "My opinion is that we had civilian review and civilian police officers. Some people would prefer to go to the press first, but whichever way it goes, while people's memories are fresh, I think it would be good for us just to get everything cleared up."

Commissioner Murphy: "So they are not making complaints to the police department they are making it to the press?"

Commissioner Daly: "That's right."

Commissioner Sanchez: "Are there further items of the Police Commission under Section 5? If not, Lieutenant could we proceed with the agenda?"

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no additional items to report tonight but if the Commission had any questions, he would be happy to answer them.

RECEIPT OF DEPARTMENT GENERAL ORDER A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTION." (COPIES SENT TO THE EMPLOYEE ORGANIZATIONS.) - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECEIPT OF DEPARTMENT GENERAL ORDER A-6, "DEFINITION OF TERMS." (COPIES SENT TO THE EMPLOYEE ORGANIZATIONS.) - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECEIPT OF DEPARTMENT GENERAL ORDER D-1, "GENERAL RULES OF CONDUCT." (COPIES SENT TO THE EMPLOYEE ORGANIZATIONS.) - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 371-81

STATUS REPORT IN THE MATTER OF POLICE OFFICER MARTY L. WAY, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Marty L. Way, Communications Division, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Marty L. Way, has requested that the matter be continued until August 5, 1981; therefore be it

RESOLVED, that the request of Mr. Stephen Bruce Bley, Attorney at Law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, August 5, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 372-81

STATUS REPORT IN THE MATTER OF POLICE OFFICER KEVIN DEMPSEY, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Kevin Dempsey, Communications Division, was called, it having been set for this date; and

WHEREAS, Mr Stephen Bruce Bley, attorney for Police Officer Kevin Dempsey, has requested that the matter be continued until August 5, 1981; therefore be it

RESOLVED, that the request of Mr. Stephen Bruce Bley, Attorney at Law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, August 5, 1981 at 5:00 p.m,. in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 373-81

STATUS REPORT IN THE MATTER OF POLICE OFFICER LEONARD G. JEONG, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Leonard G. Jeong, Communications Division, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Leonard G. Jeong, has requested that the matter be continued until August 5,1981; therefore be it

RESOLVED, that the request of Mr. Stephen Bruce Bley, Attorney at Law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, August 5,1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REQUEST OF THE CHIEF OF POLICE FOR PERMISSION TO ACCEPT ON BEHALF OF THE POLICE DEPARTMENT THE GIFT OF A TRUCK TRAILER AND SHELL FROM MR. JOSEPH KORET OF CASSIDY'S WESTERN OUTFITTERS.

Deputy Chief Shannon said the Koret Foundation has generously given to the Police Department a new pickup truck and a 2 horse trailer for use by the Department and the Mounted Unit. It is over the $5,000 dollar limit and therefore, the Commission must request permission to accept it from the Board of Supervisors. He said there will be no additional cost because the Department was able to equip the trailer with radio and lights from other units that are no longer serviceable. So the Department is requesting the Commission to request by Resolution that the Board of Supervisors give their permission to the Department to accept it.

RESOLUTION NO. 374-81

AUTHORIZING ACCEPTANCE ON BEHALF OF THE SAN FRANCISCO POLICE DEPARTMENT THE GIFT OF A TRUCK TRAILER AND SHELL FROM MR. JOSEPH KORET OF CASSIDY'S WESTERN OUTFITTERS FOR USE BY THE MOUNTED UNIT.

RESOLVED, that the Board of Supervisors accept the generous gift of a truck, trailer and shell from Mr. Joseph Koret to the San Francisco Police Department Mounted Unit, valued at approximately Eighteen Thousand ($18,000) Dollars.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE DEPARTMENT ENTER INTO A CONTRACT WITH THE SECURITY TRANSPORT COMPANY - CONTINUED ONE (1) WEEK.

Deputy Chief Cordes said the Department is renewing the contract it had last year with this Transport Company. He said the contract is cost effective and pays for itself.

Commissioner Nelder asked if there had been any problems over the last year with it?

The Chief said that there had been no problems and specifically no loss of prisoners.

Commissioner Sanchez then asked if there were figures available detailing the numbers of prisoners transported?

Chief Murphy said since this information was not readily available, the Department could have that information at next week's meeting.

Commissioner Murphy voted against holding this over for one week.

Commissioner Sanchez then said he would like to add a footnote to this in that the Commission had a lot of discussion on this last year and this was the first time since that time that it has been brought before this body. He said last year it had been brought back to the Chief a couple of times for revision because the Commission had specific questions about mileage, contract fees, insurance and who would be held liable if a prisoner managed to get away at the airport.

He said the Commission also asked for some sort of evaluation or feedback at the midway point as to how it has worked and has not received that information but, he said, he would hope this information would be forthcoming in order that it may be given a fair evaluation to justify a favorable vote.

Commissioner Sanchez said he would like to make one further statement then the Commission would proceed to the next item.

He said the Commission did meet in Executive Session today, which was scheduled and posted, to review materials with Legal Council pertaining to certain items.

He said there was no vote taken.

PRESENTATION OF MEDAL OF VALOR AWARDS AND CERTIFICATES

Commissioner Sanchez said that he had the opportunity and honor of chairing this meeting whereby it was one of the first meetings where there were many newly appointed Captains in attendance. He

said it was very informative in that many questions were asked and answered pertaining to processes and procedures.

He said on behalf of the Commission he wished to congratulate all of the officers who are receiving the awards and just as important, he wanted to thank their families on behalf of the citizens of San Francisco and say well done.

He said the Commission had also invited the media as the Commission felt that many of the outstanding deeds the officers have consistently done and are now being recognized would be of a major interest to San Franciscans and the Bay Area. Unfortunately, he said, sometimes only certain types of information gets to the media and they overlook the basis and the heart of what makes the San Francisco Police Department work so well.

The Awards were then presented as follows:

PRESENTATION OF MEDAL OF VALOR AWARDS AND CERTIFICATES

The following-named members of the Department were presented Medals of Valor and Certificates at the Commission Meeting by Commissioner Sanchez:

Lieutenant David P. Christensen.....Silver Star

Officer Peter A. Balestreri.....Silver Medal

Officer Dennis J. Callaghan.....Silver Medal

Officer James E. Drago.....Silver Medal

Officer Luis W. Hamilton.....Silver Medal

Assistant Inspector Vincent P. Repetto.....Bronze Star

Officer Terrance M. Collins.....Bronze Medal

Officer Robert R. Crosat.....Bronze Medal

Officer Ronald M. Dinslage.....Bronze Star

Officer Robert C. Hernandez.....Bronze Star

Officer Paul F. Makaveckas.....Bronze Star

Officer Robert T. McMillan.....Bronze Star

Officer Gabriel I. Gallaread.....Meritorious Conduct Certificate

Officer David B. McLaughlin.....Meritorious Conduct Certificate

After the Awards Presentation, the Commissioners allowed a Mr. Stypman to speak on a subject matter not scheduled on today's agenda.

Mr. Stypman stated that back in 1978 he appeared before the Commission at a time at which the Sheriff of the City and County of San Francisco had executed a Writ of Eviction upon himself which had been issued by the court. He said it also evicted a joint tenant and non-evicted party, and non-named party in a law suit. He said at that time the Commission directed Internal Affairs to determine why the police took custody of the party who had not been evicted as a trespasser and arrested him for the landlord.

He said when Internal Affairs called the Sheriff's Office and investigated this matter, the Sheriff had to admit that the Writ of Eviction was addressed only to himself and so that his partner in a business known as the White Rabbit, which again has been subject to another unlawful eviction which is before the courts. He said at that time his partner was allowed to regain the leasehold, the Sheriff had unlawfully dispossessed him of. He said, today, the Sheriff again has closed down the White Rabbit's paraphernalia in the Haight Ashbury on a Writ of Eviction that was issued to himself only ane he no longer owns the White Rabbit as he gave it away to a non-profit organization which is called the Order of Human Services which is now the owner of the White Rabbit and also the tenant on the property that was not sued.

He then called the Commissioners attention to a raft of papers in his possession which included a Writ of Eviction from the Sheriff directed to Richard Stypman and Richard Stypman only. He said still, the Sheriff ordered the Order of Human Services, which the Municipal Court recognized by a preliminary injunction as a sub-tenant that had the right to be served and sued before being evicted in an injunction that was issued on the 29th of June of this year.

He said he was here before the Commission because he was trying to avoid a confrontation in which employees of the Order of Human Services, when they return to the scene tomorrow to break into their lease hold which they were disposed from without court process in violation of all of the eviction laws in California. He also said it was in violation of the Due Process Clause of the 14th Amendment, and that he was here to stop police officers from engendering liability on behalf of the Police Department.

He said he would hope that the Police Commission would see to it that what is a Civil Matter does not become a criminal matter and he would also hope that this Commission, after reviewing his papers would order that the police department stay out of any criminal trespass charges filed against a tenant who was unlawfully dispossessed from their premises today.

He said he could show the Commission several documents, including the preliminary injunction that was issued on June 29th.

Commissioner Sanchez at this time interrupted Mr. Stypman and told him that he had raised some questions pertaining to the attorneys for the Sheriff's Department and also some matters he wished the Commission to address. He said it was his initial understanding that the matter is now in the Sheriff's Department which is not part of the San Francisco Police Department. He said he would suggest that Mr. Stypman give the referred to materials to the Chief and he, in essence, could give them to the Deputy Chief of Administration to insure that Mr. Stypman's concerns would be part of the official record. But, he said, it was his initial understanding that the matters Mr. Stypman are bringing before the Commission now are really under the jurisdiction of the Sheriff's Department and Legal Council there.

The Commissioners then thanked Mr. Stypman for his presentation.

Chief Murphy then advised the Commissioners that the Stables in McLaren Park had re-opened and patrols would be carried on from 10 A.M., to 6 P.M., and that they will also be extending patrols into the adjacent neighborhoods, such as Leland Avenue, and San Bruno Avenue. So he said, as of today, the Stables are reopened and Staff and two horses are quartered out there.

The Commissioners then thanked the Chief for bringing them up to date on this matter and then moved for adjournment.

The Commission then adjourned its meeting at 6:11 p.m.

SECRETARY

8 JULY 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 8, 1981 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU

1356 Van Ness Avenue - Shangri La Hotel

Sergeant Andrew Quaglia of the Traffic Survey Department, said that a member of the audience was present today to speak on a matter that was on the Traffic Calendar a couple of weeks ago and was held over to today's meeting, which was a matter dealing with the Shangri-La Hotel.

It was then noted by Commissioner Sanchez that the Department was recommending that the request of this applicant be denied because of the size of the hotel.

Mr. Edward Layman, owner of the hotel, said that his hotel is completely transitory. He said it contains 28 rooms and people are constantly moving in and out. He said 98% of their guest are coming in from Europe and are usually picked up at either the Airporter Terminal or they are being brought into San Francisco by Public Transportation. He said when they arrive at the door it is hazardous for these guests because of the absence of a loading and unloading passenger white zone in front of the hotel's door. The transporting vehicles have to double park. He said around 40 people a day are going and coming via 80 different types of public transportation, i.e., arriving, stopping and departing from in front of the hotel doors.

After further discussion the Commission voted to hold the matter over and ordered that it be brought back in two weeks with further investigation by the Traffic Survey Division and for final review of their recommendation.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendation of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2083 UNION STREET - LA SALLE GALLERY

a) At 2083 Union Street, install a 34' yellow zone, extending from 43' to 77' east of Webster Street.

1972 LOMBARD STREET - VILLA UPHOLSTERY/MONROES RESTAURANT/SAL THE BARBER

a) At 1972 Lombard Street, install a 32' yellow zone, extending 32' west from end of existing white zone at 1968 Lombard Street.

1475 POLK STREET - CHELSEA SQUARE

a) At 1475 Polk Street, install a 66' Special Truck Loading Zone, 9 A.M., to 1 P.M., from 8' to 74' north of south property line.
This will be on middle three meter police in place, but meter heads not on.

940 POWELL STREET - YWCA APARTMENTS

a) At 940 Powell Street, install a 44' white zone, extending from south property line 44' north of same.

3335-17th STREET - NOEL'S STORE

a) At 3335-17th Street, install a 22' yellow zone to take place of meter #17th St. 3317.

b) Remove meter #17th St. 3317.

2001 SACRAMENTO STREET - S.F.P.D. -APT. HOUSE - REVOKED

a) At 2001 Sacramento Street, revoke existing 40' white zone, extending from 10' to 50' west of Gough Street.

2222 BROADWAY - CONVENT OF SACRED HEART - REVOKED

a) At 2222 Broadway, revoke existing white zone, extending from 145' to 189' west of Webster Street.

b) At 2222 Broadway, replace with 44' blue zone, extending from 145' to 189' west of Webster Street.

701 SHRADER - S.F.P.D. - REVOKED

a) At 701 Shrader Street, revoke existing 24' yellow zone, extending south of Waller Street.

2311 CLEMENT STREET - LAKESIDE GROTTO - DENIED

a) At 2311 Clement Street, install a 22' white zone, extending from north property line 22' south of same. DENIED.

b) Meter #2305 not to be removed, sign to be installed White Zone from 5 P.M., to 11 P.M. DENIED.

1356 VAN NESS AVENUE - SHANGRI -LA HOTEL - CONTINUED FOR TWO (2) WEEKS

a) At 1356 Van Ness Avenue, install a 22' white zone, extending from 6' to 28' south of north property line. CONTINUED FOR TWO (2) WEEKS.

b) Remove meter 1330. CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 209 feet of white and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 376-81

DIANNE GOWER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Dianne Gower against the City and County of San Francisco in the sum of $15.00 as the result of a faulty tow, be, and teh same is hereby approved.

Date of Incident: May 8, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 377-81

WILLIAM E. BARHAM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William E. Barham against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 378-81

MALCOLM BAKER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Malcolm Baker against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 379-81

POLICE NARCOTIC FUND - APPROVED

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Cornelius P. Murphy in the amount of $6,000.00 charging same to Index Code 580217 as an advance on the Police Narcotics Fund for the month of July, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 380-81

POLICE CONTINGENT FUND - APPROVED

RESOLVED, that the Controller be, and he is hereby requested to draw a voucher in favor of Chief of Police Cornelius P. Murphy in the amount of $4,000.00 charging same to Index Code 580217 as an advance on the Police Contingent Fund for the month of July, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 381-81

CORNELIUS P. MURPHY, CHIEF OF POLICE

RESOLVED, that Cornelius P. Murphy, Chief of Police, is hereby authorized to attend the California Peace Officers' Association Second Annual Leadership Conference in San Diego, California, from July 22, 1981 through July 24, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 382-81

AUTHORIZING ATTENDANCE OF CAPTAIN RICHARD D. KLAPP AND LIEUTENANT RONALD L. JACKSON, PERSONNEL AND TRAINING, AT A MEETING OF THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING, AT SAN DIEGO, CALIFORNIA, ON JULY 16, 1981.

RESOLVED, that the recommendation of the Chief of Police that Captain Richard D. Klapp and Lieutenant Ronald L. Jackson, Personnel and Training, be detailed to attend a meeting of the Commission on Peace Officers Standards and Training at San Diego, California on July 16, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Captain Richard D. Klapp and Lieutenant Ronald L. Jackson, in a sum not to exceed $138.00 each, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 383-81

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending

the below-indicated program, be, and the same is hereby approved:

Captain Robert C. Seghy) Records Division)	$510.00 each	(Management of (Police Records (Function Training, (Tiburon, Calif- (ornia,from April (12,1981 to April (24,1981.
Lieutenant Matteo Genna) Records Division)		

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 384-81

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Lieutenant Walter) Braunschweig) Records Division)	$155.00	(Management of Police (Records Function (Training, Tiburon, (California, from (April 12, 1981 to (April 24, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 385-81

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same are hereby approved:

Inspector Thomas Petrini) Bureau of Investigations)) Inspector John Willett) Bureau of Investigations)	$292.00 each	(Specialized (Equipment for (Surveillance (Course, Sacramento, (California, from (June 1, 1981 to (June 22, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 386-81

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Police Officer Charles) Keohane) Tactical Division)	$291.50	(Special Weapons (and Tactics Basic (Course, Santa Rosa, (California, from (April 12, 1981 to (April 17, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATION OF THE CHIEF OF POLICE THAT CAPTAIN RICHARD TRUEB, LEGAL OFFICE, BE GRANTED PERMISSION TO ATTEND THE POLICE UNION MANAGEMENT RELATIONS WORKSHOP AT EVANSTON, ILLINOIS, FROM JULY 20, 1981 TO JULY 23, 1981 - CANCELLED

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

SETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER RAYMOND A. ADKINS, MISSION POLICE DISTRICT.

Mr. Stephen Bruce Bley, attorney for Patrol Special Officer Raymond A.Adkins, appeared before the Commission and asked that this matter be set for hearing

on September 16th, which would allow adequate time for the Department, and himself, to prepare for the hearing.

Commissioner Nelder said since the Officer is not suspended, he would move for approval of the requested date.

It was then unanimously approved.

RESOLUTION NO. 388-81

SETTING OF DATE FOR HEARING OF PATROL SPECIAL OFFICER RAYMOND A. ADKINS, MISSION POLICE DISTRICT

WHEREAS, the date to be set for the disciplinary hearing of Patrol Special Officer Raymond A. Adkins, Mission Police District, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Stephen Bruce Bley, attorney for Patrol Special Officer Raymond A. Adkins, that the date for the hearing before the Police Commission be set for September 16, 1981; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Patrol Special Officer Raymond A. Adkins, Mission Police District, is set for Wednesday, September 16, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

POLICE COMMISSION REPORT

Commissioner Murphy said she had a brief matter she wanted to bring to the Commission's attention, a protest on her part, in that in the Progress Newspaper there was a story containing this headline, "Censored Police Report Finally Released by the Commissioners."

She said the body of it was very factual but to anyone who just reads headlines it looks as if the Commission had not only censored the report, but also had held it in secrecy for an inordinate amount of time. She said it gives the impression, or aura, of intrigue which certainly does not exist. She said the situation was bad enough without having it blown out of proportion by such a ridiculous

headline. She said she just wanted to say publicly that she resented it.

Commissioner Sanchez said he would add to that in that it was the Police Commission who directed Staff to insure that a comprehensive report was undertaken pertaining to the allegations of incompetence and police violence, and that that matter would be made public after review by the Department's legal attorneys, and by the City Attorney, and, thereafter, scheduled for public hearings.

He said this was done at the direction of the Police Commission in order to insure that the procedure for accountability, hopefully, is still in operation and it gives the Commission and Staff an opportunity to listen to the citizens constructive input which will be heard shortly.

He said, but again, any matters that were taken out of that report were done so because of either legal conflicts with Codes and upon review of the City Attorney who advised that the Commission, as a public body, could not release personnel information of that nature. But, he said, all other matters were there and it was at the direction of the Police Commission for staff to study and compile a comprehensive report pertaining to those allegations against the Department.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no report for the Commissioners tonight, but would answer any questions the Commissioners may have.

PUBLIC HEARING ON REPORT ENTITLED, "REVIEW OF ALLEGATIONS MADE AGAINST THE INTERNAL AFFAIRS BUREAU."

Commissioner Sanchez stated that this item had been scheduled at the request of the Police Commission. He said it was initially scheduled when the Commission directed the Chief and Staff to make a comprehensive review of allegations in a report made by Katherine Barron, a Citizen's Assistance Center Staff person, and subsequent report and review by the Chief's Staff in response to those allegations. At that point, he said, the Commission ordered that the findings be made public where, during last week's meeting they were released. He said this was done in order that the citizens of this city

would have time to react to the report and to, also, give additional input pertaining to Law Enforcement in this city and to the items as so stated.

He said the Police Commission has gone on record informing the public that it will hold a series of public hearings beginning with this afternoon's hearing and continuing to July 15th, and July 22nd, to insure that everyone who wishes to participate,either by speaking or by submitting letters, etcetera, to the Commission pertaining to the IAB's regulations and processes, are, in fact, heard. He said the Chief, Staff, and Commission will listen and review all suggestions and/or recommendations and the Chief's recommendations, thereafter, will be scheduled for presentation on July 29th. He said after July 29th, the Commission will probably schedule on more hearing on the Chief's recommendations and at that time a final vote will be rendered on the issue.

He continued by saying that the Commission will continue to maintain communications with all segments of the community and feels that it has a mechanism that is fully operational in that since early 1980, has persistently made IAB and any alleged acts of police brutality one of its highest priorities.

He said the Chief's report indicated a number of areas that definitely needed improvement and the Commission will listen with interest to specific recommendations the public may have and, he said, he would only ask that during the presentation of this public testimony that speakers refrain from mentioning particular names of officers, or complainants. He said each speaker would be allotted 4 minutes and he would consider requests for additional speaking time if needed. He also requested from those present, cooperation in allowing each speaker to get his point across and warned possible agitators that he would insure that all speakers would be free from interruption during his or her presentation.

The speakers were then permitted to make their presentations and appeared in the following order:

Mozelle Lake, Area Chair of the Citizens Action League,reported that a number of their representatives were present and wanted the first 10 minutes to make their presentation. She said their presentation would be in the form of a request for more police protection in their neighborhoods.

She introduced Mr. Henry Cormier, who said their organization was made up of concerned citizens of San Francisco who have met with their

Captains of their respective districts and did not receive any response. He said they also met with Deputy Chief James Ryan and Chief of Police Cornelius P. Murphy, with negative results and are now bringing their problems to the Police Commission. He said the problem lies mostly in the Southeast and Ingleside Districts of the City. He said the problem in this area is with the drug dealers who are operating in broad open daylight selling drugs to youngsters and anyone in these areas.

Specific requests were as follows: 1) Lowering of response times on all requests for police services, 2) Set up Recruitment Centers in their neighborhoods at least once a week, 3) Order Chief to clean up troubled areas in their neighborhoods, i.e., Oceanview Park, Bayview Opera House, Third Street from LaSalle to Hollister, and the corner of Brighton and Holloway; 4) Create one more patrol car districts in the Potrero and Ingleside Districts with the assignment of 20 more officers to these districts; 5) Request Commission members to tour the mentioned trouble areas on July 16th commencing at 5:00 p.m., at the corner of Montana and Capitol Avenue.

Joanne M.Garvey, President of the Bar Association of San Francisco. She thanked the Commission for holding public hearings and for its renewed interest in the subject.

She said the Bar Association has been involved in this area since 1975 and presented a very extensive proposal and now has a revised proposal which is presented at this time to the Commission. She said the full board reviewed this proposal two weeks ago and unanimously recommended that it be submitted to the Commission and other interested parties. She said the proposal submitted by Supervisor Harry Britt is the Bar Association Proposal.

Mr. Amitai Schwartz, of the American Civil Liberties Union, was called upon by Ms.Garvey to answer some specific questions from the Commissioners on key areas of the proposal particularly in the area of the chain of command for civilian investigators and, also, to the results of the investigators recommendations such as a finding of being without basis, in fact, meaning that the allegations were frivolous.

Commissioner Nelder, at this time, took issue with Mr. Schwartz in that some of the things Mr. Schwartz mentioned, the Police Department were already undertaking. He also pointed out the importance of having the necessary evidence and documentation to prove, or disprove, certain allegations, and that officers should not have to face harrassment by a Hearing Officer.

Ms. Mary Vail, then entered the fray and reiterated the same position as Mr. Schwartz and Ms. Garvey.

Commissioner Sanchez then thanked the parties representing the Bar Association for their verbal and written presentation and stated that he would hope that one, or all of them, would be in attendance at further hearings in case there are additional questions on some of the matters presented tonight and during subsequent hearings.

The next speaker was:

Mr. David K.Finn, who said he would like to speak first to the suggestion of the Bar Association in that it sounded to him like a marvelous employment contract for the attorneys. He said it is a little bit difficult to arrest persons who are committing violent crimes without using some degree of force, and it is very easy after the individual has been subdued and taken in to determine afterwards that perhaps the arrest could have been handled a little differently and a little more gently. He said a policeman's lot in San Francisco is a very difficult wire to walk.

He then presented written material to the Commission for their perusal.

The next speaker was:

Mr. Chris Bowman, who said he is a member of the Coalition for Human Rights but, today, he said, he was speaking for himself. He said no agency, or bureaucracy,can be expected to police its own activities. He cited several government agencies that do not investigate themselves and indicated that the police department should not, likewise, investigate itself. He said there should be an IAB to investigate procedural matters only, but the issue of criminal misconduct by police officers should be investigated by civilian investigators.

He then submitted a written three page addendum to the Bar Association Proposal which he said he felt should be the basis of any discussion or any modification of the program.

He said within the Gay Community the general consensus is one of support for civilian investigators.

The next speaker was:

Mr. Stew Anderson, who took issue with the secrecy involved with IAB investigations and then related what happened to him and his complaint with the IAB. (Mr. Anderson's Complaint was one that was documented in the Cathy Barron Report and also in the Chief's Report in response to the Barron Report.) He also submitted written material in support of his position on the issue.

The next speaker was:

Mr. Greg Day, who identified himself as the co-chair of the Lesbian-Gay Freedom Day Committee, and spoke on behalf of the members of the Committee in regards to their attempts to file complaints with the IAB yesterday on incidents that happened at their parade on June 28, 1981. He then read a letter he said that was delivered today to the Mayor by Glen McIlhenny who is Safety Supervisor with the Lesbian-Gay Freedom Day Committee and was a witness to incidents of violence on the part of police officers,and who attempted to file her complaint yesterday with IAB.

Commissioner Daly, after listening to testimony from this speaker, asked the Chief if the Police Department was going to cooperate with these people.

Chief Murphy said yes, the Department was going to cooperate and that prior to these people responding to the IAB, there was another letter that was sent to Mayor Feinstein on this same issue and was sent over for investigation 3 days before the Commissioner's meeting with Deputy Chief Ryan.

He said the matter is being looked into now and it has a 30 day due date.

Mr. Greg Day then said that a copy of the above-mentioned letter and many of the depositions that they have already made at Internal Affairs are in a manila envelope which was given to each Commissioner at the beginning of tonight's meeting.

The next speaker was:

Mr. Ben Gardiner, who said he was President of the Stonewall Gay Democratic Club and reported that his club had taken a position of demanding an investigation of all charges of brutality that have been leveled against the Police Department.

He said by and large the San Francisco Police Department is a good police department. What he and his club would like to do, he said, is to make it possible for the police to do their job properly. He said they would like to see a kind of situation where they could have an elected civilian review board which is not presently being proposed. He said in lieu of that, they very much favor the proposal that Supervisor Harry Britt has brought forward and which is being presented by the Bar Association.

The next speaker was:

Ms. Regina Stewart, who said that on the night of July 4, 1981, she and her boyfriend, at about 9:00 p.m., was arrested by the police at 7th and Townsend. She said they were in a parked car and that she was a little drunk because she had had some wine. She said a male and female officer arrested her and when her boyfriend asked them if he could take her home, they said no. She said after her boyfriend was allowed to leave, the female officer began to beat her. She continued by saying the officers took some of her jewelry and never returned it when she was released.

When asked by the Commissioners if she had filed a complaint with the Internal Affairs Bureau, she said what she had heard is that once you file a complaint with IAB it always comes back on you in that the officers would say that she had resisted arrest.

At this time the Commissioners advised Ms. Stewart to file a complaint and recessed for 5 minutes.

When the hearing resumed, the next speaker was:

Mr. Bob Barry, President of the San Francisco Police Officers' Association, who said the position of the POA with respect to the OCC Proposal is one of total opposition. He said with respect to the Catherine Barron Report, if some discrepancies were found in the initial investigation of this report, and of the IAB Procedures, then he said he felt the process to discover this was a proper one.

He said he did not feel the Chief, Commission, the SFPOA, or any member of the Police Department, condoned whitewashing of investigations of citizens complaints by Internal Affairs investigators.

He said fair and objective investigations is what he is interested in and should follow along constitutional lines. He said, by this, he means Due Process, Due Process Rights for officers, he said, does not really interest the Bar Association.

He said he felt public hearings on this issue are appropriate and that some changes should be made in IAB and, in that regard, the SFPOA would be making some recommendations to the Mayor and Commission in the next two weeks.

Commissioner Sanchez said since there are no more speakers he would advise everyone at this time that these hearings will continue to July 15th, and to July 22nd, and for the record, he would like to state that the spirit of discussion at tonight's meeting was of the highest standards. He said everyone had an opportunity to speak their piece, whether everyone agreed, or disagreed, and that he really felt that, basically, this is the way the Commission will receive valid input into this process.

The regular agenda matters were then heard.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE DEPARTMENT ENTER INTO A CONTRACT WITH THE SECURITY TRANSPORT COMPANY. (CONTINUED FROM THE MEETING OF JULY 1, 1981.)

Captain Henry Eidler of the Support Services Bureau, appeared and brought the Commissioners up to date on the ramifications of this contract. He advised the Commissioners that the Department had picked up its first prisoner on June 15th, 1980 and from that time to June 30th, 1981, a total of 56 prisoners were returned to San Francisco, 44 of whom were brought from within the state, and 12 of which were delivered from out of state.

He said there has been no problems and it has been cost effective, for example, the cost of picking up a prisoner in Eureka under the contract is $212. He said by commercial airlines it would be $420, not counting the time spent by assigned officers, possible overtime, or overnight accommodations. He then cited other examples, after which he said he would recommend the Commission approve the renewal of the contract.

The Commission then unanimously voted to renew the contract.

RESOLUTION NO. 375-81

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE DEPARTMENT ENTER INTO A CONTRACT WITH THE SECURITY TRANSPORT COMPANY - APPROVED

WHEREAS, the San Francisco Police Department has warrants issued by the Court in its behalf; and

WHEREAS, other police jurisdictions arrest persons subject to these warrants of arrest; and

WHEREAS, the cost of returning these prisoners to San Francisco by police department personnel can be significant; therefore be it

RESOLVED, that the Police Commission authorizes the Chief of Police to enter into an agreement with Security Transport Company to transfer prisoners from other jurisdictions to the custody of the San Francisco Police Department.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

PUBLIC HEARING RELATIVE TO PROPOSED SECONDARY EMPLOYMENT GENERAL ORDER B-3, AS AMENDED. - CONTINUED FOR TWO (2) WEEKS.

Deputy Chief Shannon said this matter had been continued to this week's agenda and Mr. Bob Barry of the SFPOA had requested a continuance to allow him to get a change in it from the Board of Supervisors. He said Mr. Barry feels that he could get this from the Board of Supervisors within one week and he would recommend a one week continuance. He said if nothing has happened with Mr. Barry at that time, he would recommend the Commission adopt it at that time.

He said the reason there is some concern is that in the Secondary Employment Order it will require employers to sign a waiver that they will accept the liability for any action of an officer, and this was placed into the order at the direct request of the Board of Supervisors.

After further discussion, Commissioner Murphy pointed out certain other discrepancies in the order and it was suggested, and moved in second that the order be continued for two weeks to allow for a clarification of those points, as indicated by Commissioner Murphy, and also to allow for the SFPOA to confer with the Board regarding their problems with the order.

PUBLIC HEARING RELATIVE TO GENERAL ORDER NO. S-1, REGARDING PERSONAL PROPERTY CLAIMS.

Deputy Chief Shannon said this Order was created because a recently adopted City Ordnance says each department must develop a list of personal property the City would reimburse employees for that is damaged during the course of their duties. He said once it is adopted by the Commission it will be forwarded to the Controller, and he, thereafter, by Ordnance must adopt it also.

It was then unanimously approved.

RESOLUTION NO. 387-81

GENERAL ORDER NO. S-1,"PERSONAL PROPERTY CLAIMS."

RESOLVED, that Department General Order No. S-1, "Personal Property Claims," is hereby approved for issuance.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

The Commission then adjourned its meeting at 7:45 p.m.

SECRETARY

15 JULY 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 15, 1981 at 1700 hours, in regular session.

PRESENT: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

DOCUMENTS DEPT.
SEP 2 1981

Commissioner Murphy presiding.

The Commissioners, having received, amended and returned copies of the minutes of the meetings of June 2, 1981 and June 3, 1981, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2169 MISSION STREET - NATURA'S WAY PRODUCE MARKET

a) At 2169 Mission Street, install a 44' yellow zone, extending from north property line 44' south of same.

b) Remove meters 2131 & 2133.

453 BUSH STREET - LE CENTRAL

a) At 453 Bush Street, install a 22' white zone, extending from west building line 22' east of same.

b) Revoke existing STLZ and remove meter #431.

90 COMMERCE STREET - BOTSFORD KETCHUM INC.

a) At 90 Commerce Street, install a 22' blue zone, extending from east end of building 22' west of same.

3612-17th STREET - FANCY PANTS

a) At 3612-17th Street, install a 22' green zone, extending from east building line 22' west of same.

2960-66 DIAMOND STREET - STRAIN & ASSOCIATES INSURANCE BROKERS

a) At 2960-66 Diamond Street, install a 22' green zone, extending 5' east of east property line to 27' east of east property line.

1279 FULTON STREET - MR. D'S - DENIED

a) At 1279 Fulton Street, install a 22' white zone, extending from east building line 22' west of same. DENIED.

822 SOUTH VAN NESS AVENUE - HAMILTON GUEST HOUSE - DENIED.

a) At 822 South Van Ness Avenue, install a 22' yellow zone, extending from north property line 22' south of same. DENIED.

380 SANCHEZ STREET - FANCY PANTS - REVOKED

a) At 380 Sanchez Street, revoke existing 25' green zone, extending from 3' to 38' south of north building line.

1580-15th STREET - FLOOR STYLES INC. - REVOKED

a) At 1580-15th Street, revoke existing 18' yellow zone, extending from 54' to 72' east of Mission Street.

1580-15th STREET - FLOOR STYLES INC. - REVOKED

a) At 1580-15th Street, revoke existing 16'

yellow zone, extending from in between the driveway to the parking lot and warehouse.

1485 BUSH STREET - SHANGHI LA HOTEL - DENIED.

a) At 1485 Bush Street, install a 22' white zone, extending from 3' to 25' west of east property line. DENIED.

b) Meter 1439 to be removed. DENIED.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

REVOKED

RESOLVED, that the recommendations of the Traffic Bureau on the revocation of 59 feet of green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 389-81

MARGIE LINDA FRAZIER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Margie Linda Frazier against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: February 23, 1981

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 390-81

JANE HARTLEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jane Hartley against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 3, 1981

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 391-81

BRICKERS SERVICE INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Brickers Service Inc., against the City and County of San Francisco in the sum of $45.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 17,1981

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 392-81

J & H AUTO WRECKING

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the J & H Auto Wrecking Co., against the City and County of San Francisco in the sum of

$40.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: May 20, 1981

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 393-81

QUINTIN J. MCMAHON

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Quintin J. McMahon against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: April 16, 1981

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 394-81

JEROLD D. WRIGHT

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jerold D. Wright against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 23, 1981

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 395-81

DAVID SCHALCH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of David Schalch against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 8, 1981

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 396-81

AVIS RENT A CAR SYSTEM

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Avis Rent A Car System against the City and County of San Francisco in the sum of $171.62 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: October 30, 1980

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 397-81

CALVIN W. STEPHENS IN PRO PER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Calvin W. Stephens in Pro Per against the City and County of San Francisco in the sum of $752.00 in Small Claims Court No. 387-122 as the result of damages sustained, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 399-81

AUTHORIZING ATTENDANCE OF POLICE OFFICER SAMUEL R. OSBORNE, VICE CRIMES-NARCOTICS DIVISION, AT THE U.S. CUSTOMS NARCOTIC DOG DETECTION TRAINING COURSE, AT FRONT ROYAL, VIRGINIA, FROM JULY 20, 1981 TO OCTOBER 9, 1981.

RESOLVED, that the recommendation of the Chief of Police that Police Officer Samuel R. Osborne, Vice Crimes, Narcotics Division, be detailed to attend the U.S. Customs Narcotics Dog Detection Training Course at Front Royal, Virginia, from July 20, 1981 to October 9, 198, be, and the same is hereby approved; and be it further

RESOLVED, that expenses for subsistence, travel, officer and dog training will be defrayed by the Chief's Contingency Fund.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

POLICE COMMISSION REPORT

a) Communication received from Clerk of the Board of Supervisors re: Consideration for funding of necessary public protection activities, including use of emergency reserve funds for adequate police protection in and about public housing projects, and requesting comments concerning this problem. (Supervisor Nelder)

Commissioner Nelder said that he felt that as long as there was no one present tonight to speak to this item he would request that the matter be carried over for one week.

He also requested that Troy Dangerfield of the Housing Police, be present at that time as he may be able to shed some more light on the subject.

b) Communication received from Clerk of the Board of Supervisors re: Charter Amendment (second draft), amending Section 8.405 relating to Salaries of Uniformed Forces in the Police and

Fire Departments, and requesting comments as to the effect thereof upon the respective jurisdictions. (Supervisor Dolson.)

Commissioner Murphy said this was the first time this matter has come before the Commission and she would entertain a motion to refer it to Staff for research and comment and bring it up at the next meeting.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy reported that one of the on-going problems in the Department is one which deals with Communications and its ability to receive and dispatch radio cars. He said as a result of the numerous complaints that the Department has had regarding the operations of the Communications Division, he assigned a task force of four captains to study the Communications Division and see what improvements could be made.

He said they have now completed the first part of their study and he would now have Captain Michael Brush make a presentation on some positive steps that will be taken to immediately correct the situation in the Communications Division.

Captain Brush approached the Commissioners and distributed diagrams outlining what actually happens upon the receipt of a call from a person. He graphically illustrated the reasons for previous hangups and incompleted calls. He said one of the things their plan calls for implementing is to eventually eliminate the PBX Board, but at the present time they would close it down, except for Monday through Friday.

After further discussion on this issue, the Commissioners asked the Chief what he wanted from them at this time.

The Chief said he would like for the Commissioners to approve the concept and that it, basically, amounts to the fact that the Department will no longer be servicing the other Criminal Justice Agencies here in the Hall, i.e., the District Attorney, the Public Defender and others.

He said what the Department will do is dedicate those lines (18) directly into Communications plus new (15) 911 lines giving the Department 33 lines directly into a dispatcher in Com-

munications and which will be more than ample to handle the Department's needs.

The Commissioners, on motion by Commissioner Nelder, and seconded by Commissioner Daly, unanimously approved the concept of this plan as submitted.

The Commission at this time opted to pass item #6 to allow time for those who wanted to sign up and speak on this subject, and also because of the relatively small amount of time that would be consumed by the following items.

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION AUTHORIZE MR. JOSEPH C. GAVIN, DIRECTOR OF PURCHASING, TO CONTRACT FOR TOW SERVICES THAT MEET THE SPECIFICATIONS REQUIRED BY THE SAN FRANCISCO POLICE DEPARTMENT.

Commander Gerald D'Arcy of Traffic, appeared before the Commission on this item and stated the Commissioners had already received documentation regarding the Department's criteria which, if adopted, will be forwarded to Mr. Joseph Gavin, the Purchaser of Supplies, authorizing him to contract for tow services for the Department.

He said in the past the contract was all in favor of the tow car companies, but in the proposal the Police Department would get the most benefits.

A Mr. Richard Stypmann requested to speak on this issue and he said he was one of the members of a class who won a tow suit against the City and County of San Francisco. He said during the year and a half when San Francisco had no towing, it worked out very well as most people moved without the threat of being towed. He said his concern was that nowhere in the contract, that he was aware of, is the requirement that whoever gets the contract be, in no way, affiliated with Auto Dismantlers. He said the problem arises when you have a group, such as the Tow Car Association, who joins with various dismantlers for the purpose of taking in vehicles, using the 20 day statutory period to take poor persons vehicles and declaring them to be worth less than $100. He said they then sell them to dismantlers who sell the parts and get back anywhere from $500 to $1,500 on each vehicle.

He said the contract should require as a

condition that there be no awarding of a contract to a tow company that is affiliated, or has an interest in an Auto-Dismantler's business.

Commander D'Arcy then said that the towing of abandoned vehicles is nowhere in this contract, but that it would be a simple matter just to write it in.

He said also the contract itself has not been written and during the writing of the contract the Department will have input and at that time that particular point will be definitely brought up. He said, afterwards, it will be brought back before the Commission for final approval.

RESOLUTION NO. 398-81

RECOMMENDATION OF THE CHIEF OF POLICE THAT THE POLICE COMMISSION AUTHORIZE MR. JOSEPH C. GAVIN, DIRECTOR OF PURCHASING, TO CONTRACT FOR TOW SERVICES THAT MEET THE SPECIFICATIONS REQUIRED BY THE SAN FRANCISCO POLICE DEPARTMENT - APPROVED

RESOLVED, that the Police Commission hereby authorizes Mr. Joseph C. Gavin, Director of Purchasing, City Hall, Room 570, to contract for tow services that meet the specifications required by the San Francisco Police Department.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

REQUEST OF MR. NAZZARENO ANDREOLI FOR PERMISSION TO SUSPEND OPERATION OF HIS MOTOR VEHICLE FOR HIRE PERMIT FROM JUNE 29, 1981 TO SEPTEMBER 26, 1981 - APPROVED

WHEREAS, Mr. Nazzareno Andreoli has requested that permission be granted to suspend operation of his Motor Vehicle for Hire Permit from June 29, 1981 to September 26, 1981; and

WHEREAS, the Police Commission after receiving testimony on behalf of Mr. Andreoli concurred with his request; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Nazzareno Andreoli for permission to suspend operation of his Motor Vehicle for

Hire Permit from June 29, 1981 to September 26, 1981, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

SETTING OF DATE FOR PUBLIC HEARING OF DEPARTMENT GENERAL ORDER A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTION," CONTINUED FOR FOUR (4) WEEKS.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

SETTING OF DATE FOR PUBLIC HEARING OF DEPARTMENT GENERAL ORDER A-6, "DEFINITION OF TERMS." CONTINUED FOR FOUR (4) WEEKS.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

SETTING OF DATE FOR PUBLIC HEARING OF DEPARTMENT GENERAL ORDER D-1, "GENERAL RULES OF CONDUCT." - CONTINUED FOR FOUR (4) WEEKS.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

RESOLUTION NO. 401-81

SETTING OF DATE FOR PUBLIC HEARING OF SPECK CAB COMPANY'S RESPONSE TO THE PETITION OF VETERANS TAXICAB COMPANY AS TO ALLEGED VIOLATIONS OF PROPOSITION K.

WHEREAS, the date to be set for the hearing of Speck Cab Company's response to the Petition of Veterans Taxicab Company as to alleged violations of Proposition K was called, it having been set for this date; and

WHEREAS, it was agreed upon by the Police Commission, and the attorneys for both Speck Cab Company and Veterans Taxicab Company, that the date of the hearing before the Police Commission be set for Wednesday, August 12, 1981; therefore be it

RESOLVED, that the hearing of Speck Cab Company's response to the Petition of Veterans Taxicab Company is set for Wednesday, August 12, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Murphy

ABSENT: Commissioners Toler, Sanchez

PUBLIC HEARING ON REPORT ENTITLED "REVIEW OF ALLEGATIONS MADE AGAINST THE INTERNAL AFFAIRS BUREAU." -(CONTINUED FROM THE MEETING OF JULY 1, 1981.)

Commissioner Murphy in opening the session to testimony from the public relative to the Bar Association Proposal stated that persons testifying should confine themselves to commentary on the merits or demerits of the Bureau of Internal Affairs actions and procedures of and/or the concept of Civilian Investigators of Complaints against Police Officers.

She further pointed out that the Commissioners are working hard, a fact which can readily be seen by the myriad of problems that are handled and disposed of each week. Because of that, she said, she did not personally agree with one portion of the Britt Proposal which would create an Advisory Committee of 16 civilians who would advise the Commission on internal procedures. She said to create such a committee would cause total chaos.

After giving fellow Commissioners a chance to comment, she then called for the 1st speaker on the subject.

The first speaker was Mr. Edward Heavey, who said he is an attorney and is President of the Veterans Political Council of San Francisco, and speaks in their behalf. He said this city is engulfed in the most savage criminal assault in its 205 year history. He said the Proposal now in issue is something that would shackle the police department more now than ever before. He said the Bar Association and the ACLU are organizations conspiring for the liquidation of the Welfare of the United States.

He then, posturing, stated what has the San Francisco Bar done to help law enforcement in San Francisco? Has any of them volunteered to be reserve officers? Have any of them come before the Commission to receive an award of valor? He then said he did not know of any and, therein, ended his presentation by thanking the Commission for allowing him to speak.

The next speaker was:

Captain John A. Mahoney, Commanding the Internal Affairs Bureau, who read a short statement to the Commission as follows: "Internal Affairs Bureau has been the subject of undue and unfair criticism for the past eight (8) weeks. We have been under attack by the news media and other vested interest groups. We have been tried and convicted in much of that news media. As of this date, the Internal Affairs Bureau's side has not been told. On Monday, July 6, 1981, nine (9) days ago, I submitted a detailed report to Chief Murphy containing a point by point rebuttal of those charges on neglect of duty made against us in Chief Murphy's Staff Report. Copies were presented to the Chief at that time for distribution to each Commissioner and the Mayor. It is my understanding that these copies have not been distributed as yet. I respectfully request that these copies be read and responded to so that you, the Police Commission, and the Mayor, may have a more accurate, balanced account of the Internal Affairs Bureau practices and the cases reviewed in the Staff Report."

Commissioner Nelder then inquired as to the title of the report the captain mentioned as making to the Chief and if he recommended that it be distributed to the Commission.

Captain Mahoney acknowledged that he did, and Commissioner Nelder then asked the Chief if the Commission could receive a copy of it, which the Chief agreed to give them.

At this time Captain Trueb advised the Commission that if Captain Mahoney's report covered the same matters as the Chief's Staff Report, then it would have the same requirements for confidentiality such as that the City Attorney gave the Commission on the Chief's Staff Report.

The next speaker was:

Mr. Joseph F. Carotenuto, who allowed Mr. David Weitzman to speak on his behalf as Mr. Weitzman is his attorney.

Mr. Weitzman said he and his client had attended the meeting today held at City Hall in the Board of Supervisors Chamber's and came away with an opinion that was one of an analogy between the Watergate Investigations and the Police Commission. He then went about citing specific incidents wherein alleged complaints were made by complainants, whose names he mentioned, and where Internal Affairs Bureau, did, or did not, investigate them to the satisfaction of those complainants. He said he did not believe police officers are capable of investigating other police officers and that what he was asking was only that the Police Commission receive adequate data on these cases and he did not feel that police officers would give the Commission fair and unbiased information.

The next speaker was:

Ms. Geneva Eberhart, who said she is the President of the Northern Districts Civilian Police Community Relations Unit. She said she covers a lot of territory in the City and speaks to many of its citizens. She said she responds to many questions and one in particular is: Are the Civilian Police Commissioners qualified as a Civilian Review Board? She said she always responded in the affirmative and that speaking for her area the Commissioners currently in office, if given the correct information in a proper and timely manner, can work very effectively for all of the citizens of San Francisco. She said all of the citizens in the Western Addition that she serves are willing to help the Commissioners by giving them any information, or anything else needed, to help them do a better job.

The next speaker was:

Mr. Rory Stark, who said he is the President of the Advisory Group of the Walking Patrol at 1280 Laguna. He said he had worked with the Northern Police Station officers for twenty (20) years. He said he felt that if everyone would work with the police officers in the various districts they would be able to obtain very good results.

The remaining group of speakers are listed as follows:

<u>Speakers for Civilian Investigators</u>:

Mr. Richard Stypmann, Park District
Mr. Reuben Archuleta, Youth Caucus California Democratic Council
Mr. Joshua Shaw
Mr. George Grunnig

Speakers against Civilian Investigators:

Mr. Jim Rourke, Retired Teamster
Mr. David K. Finn, Castro Times
Mrs. Virginia Fusco, Retired City Employee and Member of Marina Civic Improvement Association (Also submitted position letter)
Mr. Ed Lawson, Former Member of Board of Supervisors, Member of Greater Union Square Association.
Mrs. Victoria Gelum, Russian Hill Forum
Mr. Patrick J. Brady
Mr. Julius Zamacona, Excelsior Outer Mission Community Relations.
Mr. Joseph F. Arcuri, President, Police District Merchants Association.
Mrs. Mary Jane Staymates, Western Addition Neighborhood Association.
Mr. Wallace Levin, Delinquency Prevention Commission-Private Investigator.
Mr. Otto Elvander, Retired Sergeant of Police.
Mr. Jack Block, Security Exchange Commission, Member of Board of Police Youth Fishing Program.

At the conclusion of testimony given by members of the audience, Chief Murphy requested and was allowed to read into the record the following letter:

"To Cornelius Murphy Chief of Police:

Dear Chief, although I believe the Police Commission does, and should, have the sole right to assess its staff needs, including the characteristics of who should be involved in IAB work, my personal and official postion of preference is that I do not care to see civilians involved in this work. You may should you choose, quote me as to this preference. Best regards, Lee S. Dolson, Member Board of Supervisors, City and County of San Francisco."

Commissioner Murphy then thanked the Chief and indicated that the Commission had also received this letter.

At this point the Hearing relative to an Office of Civilian Complaints was ended. People were informed the Commission would hold two (2) additional hearings in the following two (2) weeks.

Commissioner Murphy then continued by saying that she had a question to ask the Chief in that this document that the Commission gets from the Office of the Chief of Police, Hall of Justice, tells of the different assignments and separations and it

indicated 3 officers had resigned from the Academy. She said she would like to know the reasons?

Chief Murphy said, basically, they were either persons from the Police Academy, or the FTO Program, who opted to leave the Department for one reason or another. He continued by saying that some of them were for personal reasons and some of them were not making it in the program and chose to resign at that time rather than face a termination hearing.

At this time Mr. Richard Stypmann requested to be heard and was allowed to speak. He said he was here tonight because two weeks ago he appeared before the Commission to ask that the Commission clarify the Police Department's role in intervening in a wrongful lockout.

He said Captain Trueb, currently present, and his legal officer, have issued instructions to the Park Police officers to follow a procedure and continue the illegal lockout which he says, admits the proper parties were not cited. He said the Sheriff's attorney even now admits those parties were not evicted, and even though the Commission thought the Sheriff had jurisdiction, the Sheriff has turned over his jurisdiction to the court.

He said he would like the Commission to direct Chief Murphy to review the injunction that he, himself, (Stypmann), had acquired and see if he feels, or if the Commissioners feel, based on the representations he (Stypmann), made the statement that parties that have not been evicted, and admittedly so by the Municipal Court, should be continued to be locked out of their premises with the threat of Police Arrest coming from Captain Trueb and Mr. Lawrence Wilson.

Commissioner Murphy in response to this request, said that she would take it upon herself to ask the Chief to pursue this matter.

The Commission then adjourned its meeting at 8:15 p.m.

SECRETARY

22 JULY 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 22, 1981 at 1700 hours, in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

425 BRYANT STREET - CHROMEWORKS

a) At 425 Bryant Street, install a 24' green zone, extending from east property line 24' west of same.

455 TOLAND - CASH AND CARRY

a) At 455 Toland, install a 44' yellow zone, extending from 42' to 86' north of south building line.

b) At 455 Toland, install a 48' yellow zone, extending from 196' to 244' north of south building line.

1721 PACIFIC - SPEEDWAY COPY SYSTEM

a) At 1721 Pacific, install a 22' yellow zone, extending from west end of driveway 22' west of same.

3804-17th STREET - S.F.P.D. - REVOKED

a) At 3804-17th Street, revoke existing 25' green zone, extending from 18' to 43' west of Sanchez Street.

3870-17th STREET - S.F.P.D. - REVOKED

a) At 3870-17th Street, revoke existing 20' yellow zone, extending from 3' to 23' west of Pond Street.

1417-1421 - 15th STREET - S.F.P.D. - REVOKED

a) At 1417-1421 - 15th Street, revoke existing 40' yellow zone, extending from 38' to 78' east of Shotwell Street.

1417-1421-15th STREET - S.F.P.D. - REVOKED

a) At 1417-1421-15th Street, revoke existing 12' yellow zone, extending from 101' to 113' east of Shotwell Street (between driveways).

203-10th STREET - JAMES A. NELSON CO.

a) At 203-10th Street, install a 40' yellow zone, extending from 20' to 60' south of north property line.

b) Remove meters #203 & 205.

1485 BUSH STREET - SHANGRI LA HOTEL - DENIED

a) At 1485 Bush Street, install a 22' white zone, extending from 3' to 25' west of east property line. DENIED.

b) Meter 1439 to be removed. DENIED.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED that the recommendation of the Traffic Bureau on the revocation of 97 feet of green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 402-81

STELLA MONDAY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stella Monday against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 12, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 403-81

CHARLES W. STRAWN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Charles W. Strawn against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 9, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 404-81

CALIFORNIA STATE AUTOMOBILE ASSOCIATION AND RENA CASE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association and Rena Case against the City and County of San Francisco in the sum of $504.86 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: May 11, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 405-81

RICARDO MORA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Ricardo Mora against the City and County of San Francisco in the sum of $1,150.00 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: May 5, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 406-81

SANTA ROSA AIRPORTER AND TRANSIT CASUALTY CO.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Santa Rosa Airporter and Transit Casualty Company against the City and County of San Francisco in the sum of $943.57 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: March 18, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 407-81

LORELEI F. ROCKWELL

RESOLVED, that the recommendation of

the City Attorney for settlement of the claim of Lorelei F. Rockwell against the City and County of San Francisco in the sum of $85.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 6, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 408-81

WALTER J. WILKEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Walter J. Wilken against the City and County of San Francisco in the sum of $180.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: January 12, 1981

AYES: Commissioners Daly, Nelder,Toler, Murphy, Sanchez

RESOLUTION NO. 409-81

MARY KORBE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mary Korbe against the City and County of San Francisco in the sum of $65.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: May 30, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 410-81

AUTHORIZING ATTENDANCE OF INSPECTORS GEORGE BODROV, DAVID BOWMAN, AND ARMAND GORDON, GENERAL WORKS DETAIL, AT THE INTRODUCTION TO CRIME ANALYSIS COURSE AT THE UNIVERSITY OF CALIFORNIA, IRVINE, CALIFORNIA, FROM AUGUST 10, 1981 THROUGH AUGUST 14, 1981.

RESOLVED, that the recommendation of the Chief of Police that Inspectors George Bodrov, David Bowman and Armand Gordon, General Works Detail, be detailed to attend the Introduction to Crime Analysis Course at the University of California, Irvine, California, from August 10, 1981 through August 14, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspectors George Bodrov, David Bowman and Armand Gordon, General Works Detail, in a sum not to exceed $380.00 each, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 411-81

AUTHORIZING ATTENDANCE OF INSPECTOR ALEX FAGAN, NARCOTIC DETAIL, AT AN ALCOHOL AND DRUG STUDIES PROGRAM AT LOS ANGELES, CALIFORNIA, FROM JULY 20, 1981 TO JULY 24, 1981.

RESOLVED, that the recommendation of the Chief of Police that Inspector Alex Fagan, Narcotic Detail, be detailed to attend an Alcohol and Drug Studies Program at Los Angeles, California, from July 20, 1981 to July 24, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Inspector Alex Fagan, Narcotic Detail, in a sum not to exceed $530.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

POLICE COMMISSION REPORT

a) Communication received from Clerk of the Board of Supervisors re: Consideration for funding of necessary public protection activities, including use of emergency reserve funds for adequate police protection in and about public housing projects, and requesting comments concerning this problem. (Supervisor Nelder). Continued from the meeting of July 15, 1981.

Commissioner Nelder: "Mr. President, this came up last week and we continued it one week and I requested the presence of Sergeant Troy Dangerfield. I see Troy here and I wonder if I could call him to the microphone?"

Commissioner Sanchez: "Yes, you may. Commander Dangerfield, if you could come to the microphone and give us your name and then the response to Commissioner Nelder's questions."

Commissioner Nelder: "Sergeant Dangerfield, this request was made by Supervisor Nelder on July 15th, or at least some time last month, and it came before us on the 15th. The question about using emergency reserve funds is a question not for you to resolve. But we have other questions about the public housing projects. I see where the Mayor approved an additional 6 people to patrol the Pink Palace and you are familiar with that?"

Sergeant Dangerfield: "Yes, I am familiar with that."

Commissioner Nelder: "Now my question is, how many other installations are there like that that trouble you at this time?"

Sergeant Dangerfield: "All total there are 42 public housing installations of which I would say that the public housing site on Army, and the one on Valencia are in the Mission, and the housing site at Pin Yuen, the Chinese segment of the housing are, all troubled. They all need some additonal police services, or attention, and I have been working with the various district captains. I forgot to mention Potrero Station, or Southeast, as we sometimes call it. I have been working with the various captains, notably Captain Kotta. He had a representative come out from his station and he and I met and we talked about some things that would remedy the situation. But to the extent that manpower from the City Police and the Housing Police can take care of these kinds of things, well we can do that. But the Western Addition Housing Project presents a special problem as we have all

seen in the press and I think it is going to take a little more than existing manpower to do that because I think that, Chief, you know that all we are doing is shifting people from the Northern, and we are taking them from other duties that they would normally be doing and we can only do this for a certain length of time.

About three (3) weeks ago, I co-authored a proposal to reduce crime at the Pink Palace and this called for $100,000 and it was mostly for personnel to set up the kind of security that we have at the Commodore Stockton Residence, and by this we have got a guard tower and we connected the telephone of the various residents, and anybody wishing to come in and visit, they would have to be announced whether they were bill collectors, police or whatever. And I think that this is one way that we could remedy that situation. The Pink Palace has too many opportunities for people to go in and hide and it's not controlled, there are an awful lot of squatters there and if we set up this kind of system then with the addition of City Police walking through the building, occasionally, the Housing Police, I think that we can remedy that. There is also a proposal to convert the Pink Palace into a senior housing project. It is under study by the Mayor at this point and time. And I suppose it will be another two to three weeks before we will know what the results of this study will reveal. But it is my professional opinion that the crime situation in that particular area is not really that conducive to seniors living at this point and time unless we do some other things to lessen the level of crime in the area. We see and hear a lot of talk about the crime in and about the Pink Palace, but as Chief Murphy knows, there is a lot of that crime in Martin Luther King, Banneker Homes, and others, but the focal point seems to be the Pink Palace."

Commissioner Toler: "What seems to be the major crimes in those projects?"

Sergeant Dangerfield: "A lot of purse snatching, robberies, burglaries, and just physical assaults."

Commissioner Toler: "How many officers do you have on your force?"

Sergeant Dangerfield: "Twenty. We are budgeted for 26 but right now we have only got 20."

Commissioner Murphy: "Have you looked into the cost of putting gates up? I understand the kids grab a purse, or whatever, or do whatever they are doing that is wrong and then they run into the corridors there that are completely open and so on, but full

of little cubby holes and whatnot they can get into and get away, or get into their own apartments frequently. If they turn it into a senior center, which I agree with you, would be very difficult to have it really safe at this particular time, wouldn't it be necessary to put up some gates with buzzer systems and that sort of thing on it?"

Sergeant Dangerfield: "I think that the kind of configuration that we are talking about it is already about 85% fenced in, the Pink Palace is. And I think that....."

Commissioner Murphy: "Well you mean fenced, but I am talking about gates that have buzzers that are connected with the apartments. In other words, you would have to have a key or be buzzed in by someone."

Sergeant Dangerfield: "Yes, that would be very helpful."

Commissioner Murphy: "Would that be very costly?"

Sergeant Dangerfield: "I don't think so and it could be done in a very timely fashion. Let me go one step further, I think even if we did do the conversion to the seniors, well we are talking about some long range term, minimum of 9 months to a year, and at the same time this level of crime is going to continue. So I am saying even if we invested $100,000 in doing the things that we are talking about it would still be worthwhile and might still reduce the crime so that if the study reveals that seniors should,or could, be the best thing for that particualr building, in 9 months there is a program, we are calling for in 9 months. I think that the level of criminality would be reduced until, perhaps, seniors could dwell there in peace."

Commissioner Nelder: "The Pink Palace is the main headache in your bailiwick then, is that right?"

Sergeant Dangerfield: "Yes."

Commissioner Nelder: "Is there any comparable one, or is that the one that you are concentrating on now?"

Sergeant Dangerfield: "I don't know if there is any other place in the city to compare with that. I did some crime stats for the Executive Director of Housing about two weeks ago and the figures from our computer showed that the nearest competitor in terms of a like place is 3131 Army Street. The Pink Palace is ten times greater in crime than its nearest rival. I would also venture to say there is no private apartment house that has that level of crime."

Commissioner Nelder: "Do you think these physical recommendations that you are making would make the difference?"

Sergeant Dangerfield: "I think that it would. That, along with having better coordination between the police and housing police. I think that would make the difference, and we are working on that now."

After further discussion on this matter Commissioner Sanchez asked Commissioner Nelder what was his wish as far as Commission action is concerned.

Commissioner Nelder said that the Commission should meet once again with the Housing Authority for an exchange of information within the next month and have Sergeant Dangerfield present also.

He said secondly, a letter should be directed back to the Supervisor indicating that we did have a hearing on this matter, we had Sergeant Troy Dangerfield, Commander of Housing Police, in and brought the Commission up to date, and perhaps the pursuit of $100,000 to help with the physical installation might be within the province of the Board if a letter is directed to her along whose lines that would satisfy her question for the time being.

After listening to the comments of the following speakers, Commissioner Nelder then put this in the form of a motion and it was unanimously approved.

Mr. Fred Methner from Noe Valley, requested to speak on this subject and he said he would agree with Commissioner Murphy on the aspect of installing gates for the Pink Palace.

Mr. Joe Starks, also requested to be heard on the subject and he disagreed with the installation of gates with buzzers as being an interim solution.

Mrs. Geneva Eberhart, President of the Northern District Police Community Relations, was granted permission to speak and she said she felt the gates with buzzers would be a good idea but she had some drawbacks about attempting to fence in the entire area.

The Commissioners thereafter called for the next item.

POLICE COMMISSION REPORT

b) Communication received from Clerk of the Board of Supervisors re: Charter Amendment (second draft), amending Section 8.405 relating to Salaries of Uniformed Forces in the Police and Fire Departments, and requesting comments as to the effect thereof upon the respective jurisdictions. (Supervisor Dolson). Continued from the meeting of July 15, 1981.

Deputy Chief Shannon said this matter was tabled by the Board of Supervisors last Monday which means it has been effectively removed from the November Ballot. He said it would be re-submitted once the Police and Fire Unions decide to request it.

Commissioner Nelder then moved that the matter be tabled by this Commission and it was seconded by Commissioner Murphy and unanimously approved.

Commissioner Nelder, on another subject, said last week that he and Commissioners Daly and Murphy toured the Ingleside and Potrero Districts pursuant to a request of citizens from those areas who complained of incidents of crime that were detrimental to those districts and the welfare of their residents. He said it was a very enlightening tour and they saw some incidents of crime occurring during their presence despite the fact that it was advertised that the Commission and some officers would be touring those neighborhoods.

He said some of their complaints are valid and that he didn't think they were asking any more or any less than other districts, and he felt their requests could be complied with. He said, for instance, their complaint was that their children were unsafe in those neighborhoods because of a lack of Traffic Enforcement, particularly with solo/motorcycles in other areas. He said he felt the same attention could be given to those people in those neighborhoods in the best interest of visibility and letting them know that the Department is just as serious about traffic violations in that portion of San Francisco as in other portions. He said he also felt their bringing to the Commissioners attention some of the real serious narcotic problems were very important and two of the Commissioners who were present out there observed a transaction while they were actually on the tour giving an indication of just how abundant the problem is.

He continued by saying some of the other complaints were relatively minor but they were pesky. For example, he said, drinking on street corners and in automobiles, doing nothing but harrassing the passersby, and such, and of course, defecating and other such acts in doorways. He then said to the Chief that the Chief should consider organizing a Task Force, which could be set up with the Community Relations Bureau to oversee it and this Task Force could attack the problems as outlined by both the citizens and himself which would be concerned with the traffic and narcotic violations. He said as far as the narcotics violations, the Department has a program presently which lends itself to arresting the addicts to cut down the burglary problem, and if that's the case, that would be as good a place as any to start, or carry on the program as currently being undertaken.

He said, so Chief, is there any reason why the Department couldn't set up a Task Force comprised of the Community Relations Bureau, the Captains of the Potrero and the Ingleside Districts, and the Traffic Bureau to enforce those laws of which those neighborhood citizens have complained of to wit: Traffic, Narcotics and the other incidents which he had outlined?

Chief Murphy said there isn't any reason that the Department couldn't do it, that obviously, what the Department would like to be able to do is deploy a large number of officers out in those areas, but on a somewhat limited basis, the Department can coordinate just the things that the Commissioners are talking about now. He said there is a lot of problems out there, but that isn't to say that some attempt hasn't been made already by the district captains to alleviate some of those problems. He said however, the Department can, and will, set up the suggested Task Force.

Commissioner Nelder said he would also like to add that the head of the Community Relations Bureau should meet with the people out there on a thirty day basis and report back to the Commission to see what progress is being made.

Commissioner Murphy said she agreed with a great deal of what Commissioner Nelder has said, however, she said, she did not believe they would be able to stop what is going on in those neighborhoods even with more policemen and/or motorcycle policemen, and other things.

She said there are many other problems out

there that really has nothing to do with the police. She said she would like to see efforts taken other than assigning police personnel. She said she wished the Task Force well, and she would certainly vote for it, but she did not think it would be the answer.

Commissioner Daly said she would like to expand on the third part of Commissioner Nelder's suggestion in that she would like to see if they could receive a report from Lieutenant Thorsen on the development of the Police Community Relations Unit. She said they have had Public Hearings and Community Advisory Boards that were supposed to be established. She said the Commission should know when their meetings are scheduled, how the public has been informed and what kind of community input they are getting. She said this was the mechanism that provided the neighborhoods around the district stations to have input and relationships with the police department and when so many neighbors are willing to meet with the Police Commission and desire to clear up a problem which they recognize is not just a police problem, but neighborhood peer pressure can be applied to parents of repeated offenders and young offenders.

She said she felt that people in those neighborhoods want it cleaned up and that Police Community Relations is probably the answer.

Commissioner Nelder, on another subject, requested Commission notification of all request of Leaves of Absence by sworn members of the Department, and moved that all such request for more than five days be approved by the Police Commission.

After further discussion, Commissioner Sanchez said rather than call for a vote on it at this point, he requested it be held over to the following week which all Commissioners agreed to.

Commissioner Sanchez then took one minute to congratulate the Department for doing an outstanding job in monitoring and working with the parade group during the parade held in the Mission District on Sunday, July 19, 1981.

At this time the Commission announced that it had met in Executive Session this afternoon to review personnel matters and matters with legal council and there was no vote taken.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy reported that the Traffic Officer of the Month Award would be the subject of his report at this time. He said this month's recipient is Officer Joel Harms of the Solo Motorcycle Division of the Traffic Bureau. He said the officer's accomplishments for receiving the award is 255 moving violations for the Month of May, mostly speeding, 17 arrests and 1086 citations issued overall for this year. He then introduced Officer Harms, and Mr. Ron Hagen, and Mr. Frank Simon, of the Chamber of Commerce who presented the award to Officer Harms.

Commissioner Sanchez then thanked the Chamber of Commerce for their recognition of the men and women of the San Francisco Police Department.

RECOMMENDATIONS OF THE AWARDS COMMITTEE-APPROVED

RESOLVED, that the following-named members of the Police Department, be, and they are hereby granted Awards of Valor - Gold Medal, Silver Medal, and Bronze Medal, under the provisions of Sections 5.119 and 5.131 of the Rules and Procedures of the San Francisco Police Department as approved by the Awards Committee on Friday, July 17,1981:

Patrol Special Officer
James J. Kyne.....Gold Medal of Valor

Lieutenant James F. Martinez.....Silver Medal of Valor

Sergeant John S. Macaulay.....Silver Medal of Valor

Sergeant William N. Welch.....Silver Medal of Valor

Inspector David J. Bowman.....Silver Medal of Valor

Inspector William J. Cahill.....Silver Medal of Valor

Police Officer Larry P. Barsetti...Silver Medal of Valor

Police Officer David P. Herman.....Silver Medal of Valor

Police Officer James F. Hunt.....Silver Medal of Valor

Police Officer Dennis A. Meixner...Silver Medal of Valor

Inspector Ronald P. Kern.....Bronze Medal of Valor

Sergeant Donald A. Fouke.....Bronze Medal of Valor

Police Officer Richard G. Alves....Bronze Medal of Valor

Police Officer Willa M. Brown.....Bronze Medal of Valor

Police Officer Robert J. Colligan..Bronze Medal of Valor

Police Officer Kevin P. Dempsey....Bronze Medal of Valor

Police Officer Benny Fong.....Bronze Medal of Valor

Police Officer Robert C.Hernandez..Bronze Medal of Valor

Police Officer Wayne S. Hom.....Bronze Medal of Valor

Police Officer Michael J. Mahoney..Bronze Medal of Valor

Police Officer Rene J. Mariluch....Bronze Medal of Valor

Police Officer Richard L. Moses....Bronze Medal of Valor

Police Officer Frank A. Palma.....Bronze Medal of Valor

Police Officer Ronald Roth.....Bronze Medal of Valor

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

The date set for presentation was the 19th of August.

RESOLUTION NO. 413-81

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Sections 5.119 and 5.131 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission on Wednesday, July 22, 1981; and

WHEREAS, Chief of Police Cornelius P. Murphy has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Patrol Special Officer James J. Kyne, be, and he is awarded a Gold Medal of Valor and granted a reward of $200.00 as provided for under said section of the Charter; and be it further

RESOLVED, that Lieutenant James F. Martinex, Sergeants John A. Macaulay and William

N. Welch, Inspectors David J. Bowman and William J. Cahill, Police Officers Larry P. Barsetti, David P. Herman, James F. Hunt, Dennis A. Meixner, be, and they are hereby awarded Silver Medals of Valor and granted a reward of $100.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Inspector Ronald P. Kern, Sergeant Donald A. Fouke, Police Officers Richard G. Alves, Willa M. Brown, Robert J. Colligan, Kevin P. Dempsey, Benny Fong, Robert C. Hernandez, Wayne S. Hom, Michael J. Mahoney, Rene J. Mariluch, Richard L. Moses, Frank A. Palma, and Ronald Roth, be, and they are hereby awarded Bronze Medals of Valor and granted a reward of $50.00 each, as provided for under said section of the Charter.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

PUBLIC HEARING ON REPORT ENTITLED "REVIEW OF ALLEGATIONS MADE AGAINST THE INTERNAL AFFAIRS BUREAU." (CONTINUED FROM THE MEETING OF JULY 15, 1981).

Commissioner Sanchez, in calling this item, advised those parties who indicated a desire to speak on the issue that everyone would have the opportunity to do so and when their name was called, to come forth and indicate whether they were for, or against, and the organization, if any, they may happen to represent.

FOR CIVILIAN INVESTIGATORS

Mr. Ernest "Chuck" Ayala, Executive Director, Urban Development
Kate Monico Klein, Alice B. Toklas Democratic Club
Richard Stypmann, Haight District
Lillian Phillips
V. Roy Lefcourt
Agar Jaicks, San Francisco Democratic Party
Ben Gardiner
May Vail/Irv Reichert, San Francisco Bar Association
Dan Dugan for Barbara Arms, Duboce Triangle Neighborhood Association
Gwenn Craig, Harvey Milk Gay Democratic Club
Nat Mason, NAACP
Joyce B. Hall
Onetha Smith
Catherine Augell

AGAINST CIVILIAN INVESTIGATORS

Lieutenant Donald Goad, Supervisory and Investigators Association
Captain Donald Taylor, representing the Captains of the San Francisco Police Department
Mr. Robert Roebling, K.C. Dodge, Fryers of San Francisco, and Native Sons of San Francisco
Mr. John Ravencraft, Godfathers of San Francisco
Rory D. Starks
Mrs. Geneva Eberhart, Northern Station Police Community Relations
Fred Methner, East & West of Castro Club-Noe Valley
David K. Finn
John Moylan, American Irish Alliance
Debbie Fischer, United 5 for Better Government

Commissioner Sanchez said that he would like to thank all of the participants who have sat through the hearings either for the first time, second time, or whatever, for their courtesy pertaining to speakers who they may or may not have agreed with when those parties presented testimony before the Commission.

PUBLIC HEARING RELATIVE TO PROPOSED SECONDARY EMPLOYMENT GENERAL ORDER B-3, AS AMENDED. - CONTINUED ONE (1) WEEK.

Deputy Chief Shannon said he respectfully requests a one week continuance for this item in that Mr. Barry of the San Francisco Police Officers' Association stated that the Police Officers' Association's attorney will be meeting with the City Attorney regarding the Hold Harmless section of this agreement and it is scheduled to take place on Monday or Tuesday of next week.

RECEIPT OF GENERAL ORDER NO. I-3, "CITATION AND RELEASE POLICY AND PROCEDURES." REVISED AS OF MAY 8,1981 TO CONFORM WITH PROCEDURES IN THE DISTRICT ATTORNEY'S OFFICE. (COPIES SENT TO EMPLOYEE ORGANIZATIONS.) CONTINUED FOR THREE (3) WEEKS.

Deputy Chief Shannon said this is just announcing the receipt of this order and that he did not, at this time, foresee any problems with it and would request that it be set for three (3) weeks hence for hearing.

REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $118,311 TO FUND INCREASE IN UNIFORM SUPPLIES AND CIVILIAN OVERTIME ACCOUNTS.

Deputy Chief Shannon said this matter came about because of the Miscellaneous Employees Contract negotiations were not complete until after the Department had submitted its budget.

RESOLUTION NO. 414-81.

REQUEST FOR A SUPPLEMENTAL APPROPRATION IN THE AMOUNT OF $118,311 TO FUND INCREASE IN UNIFORM SUPPLIES AND CIVILIAN OVERTIME ACCOUNTS.

RESOLVED, that the Police Commission hereby approves the Supplemental Appropriation to cover additional expenses resulting from agreements reached between the Employee Relations Division of the Board of Supervisors and various Employee Organizations.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

STATUS REPORT IN THE MATTER OF OWNERSHIP OF PATROL SPECIAL BEAT NO. 83, CHARLES EVANS TO DOLORES LOVETT. - CONTINUED TWO (2) WEEKS.

Deputy Chief Shannon said this had just come to the attention of the Department and that right now the paper work on it had not come through. He said the Department had some concerns about the proposed buyer of the beat who had technically been awarded the ownership by a court order, as to the propriety, or ability, of the awardee to be a Patrol Special Officer.

He said he would request a two week continuance for setting of a date for hearing the matter.

On another matter not scheduled before the Commission and brought by Mr. Stypmann who appeared and brought with him his attorney Mr. Jim Carroll, complained about an arrest earlier today on a Ms. Michelle Mariatt who was arrested on the premises of a business he was formally attached to.

Chief Murphy then had Captain Trueb of the Legal Office explain to the Commission what had occurred in this matter.

Captain Trueb said the Legal Office had issued a legal opinion to members of Park Station and it was that the Department, legally has to enforce a trepassing violation of parties who had no right to be, or set foot upon, those premises in question. He said he did not know about the burglary, or what the nature of the charges were, placed against Ms. Mariatt.

Commissioner Sanchez, after hearing this testimony from Captain Trueb, said the Commission concurred with the Legal Opinion given by Captain Trueb and will abide by its provisions.

Mr. Carroll then spoke and said he did not represent Mr. Stypmann and agreed that the Commission could not help him and his client Ms. Mariatt at this time.

The Commission then adjourned its meeting at 9:22 p.m.

SECRETARY

29 JULY 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, July 29, 1981 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

The Commissioners, having received, amended and returned copies of the minutes of the meetings of June 17, 1981 and June 24, 1981, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

2300-3rd STREET - POTRERO STATION

a) At 2300-3rd Street, install a 40' white zone, extending from 20th Street 40' south of same.

b) At 2300-3rd Street, install an 80' red zone, extending from 40' to 120' south of 20th Street to driveway.

2414-20th AVENUE - PARKSIDE NURSERY SCHOOL

a) At 2414-20th Avenue, install a 44' white zone, extending from south property line 44' north of same.

b) Meters #2414-2412 to be removed.

219-22nd AVENUE - SUPER K MARKET

a) At 219-22nd Avenue, install a 44' yellow zone, extending from south property line 44' north of same.

16 VALENCIA STREET - VAL MAR SUPER MARKET

a) At 16 Valencia Street, install a 44' yellow zone, extending from 12' to 56' north of south property line.

170 OTIS STREET - SOCIAL SERVICE

a) At 170 Otis Street, install a 44' blue zone, extending from north end of driveway 44' north of same.

1396-28th AVENUE - TRACY APPLIANCE

a) At 1396-28th Avenue, install a 22' yellow zone, extending from Judah Street 22' north of same.

1709 POLK STREET - LOURDES OF CALIFORNIA -DENIED

a) At 1709 Polk Street, install a 22' yellow zone, extending from 6' south to 16' north of south building line. DENIED.

b) Meter #1705 to be removed. DENIED.

1193 FOLSOM STREET - HARVEY ANTIQUES - DENIED.

a) At 1193 Folsom Street, install an 18' yellow zone, extending from west end of driveway 18' west of same. DENIED.

3932 MISSION STREET - S.F.P.D. - REVOKED

a) At 3932 Mission Street, revoke existing 22' yellow zone, extending from south property line 22' north of same.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 22 feet of yellow zone, at the part of the City, at the location submitted, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 415-81

JASON S. ALLEN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Jason S. Allen against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 23, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 416-81

WILLIAM BRUCE WACHTELL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of William Bruce Wachtell against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 10, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 417-81

WILLIAM SELL

RESOLVED, that the recommendation of

the City Attorney for settlement of the claim of William Sell against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 25, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 418-81

ALEXANDER TARAN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Alexander Taran against the City and County of San Francisco in the sum of $200.00 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 1, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 419-81

CONTINENTAL INSURANCE COMPANY AND DORIS ZELIN

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the Continental Insurance Company and Doris Zelin against the City and County of San Francisco in the sum of $1,254.02 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: April 9, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 420-81

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense

Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Inspector Howard D. Bailey Homicide Detail	$312.00 Refund	(Polygraph Examiners (School, Spokane, Wash- (ington, from March 15, (1981 to May 1, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 421-81

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same are hereby approved:

Police Officers Kevin Callanan, Duane Collins, Daniel May, Ronald Roth, Edward St. Andre, George Stasko and Donald Clyburn, Tactical Division	$291.50 each	(Special Weapons (and Tactics Basic (Course, at Santa (Rosa, California, (from April 26, 1981 (to May 1, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 422-81

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sergeant Michael Johnson Narcotics Division	$584.00	(Narcotic Investiga- (tion Course, Sacra- (mento, California, (from June 7,1981 to (June 19,1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 423-81

AUTHORIZING ATTENDANCE OF SERGEANT FRED LAU, POLICE ACADEMY, AT A P.O.S.T. SPECIAL SEMINAR, LAWS OF ARREST, SEARCH AND SEIZURE, IN SAN DIEGO, CALIFORNIA, FROM AUGUST 12, 1981 TO AUGUST 13,1981.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Fred Lau, Police Academy, be detailed to attend a P.O.S.T. Special Seminar, Laws of Arrest, Search and Seizure in San Diego, California, from August 12, 1981 to August 13, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses for subsistence and travel incurred by Sergeant Fred Lau, will be directly reimbursed by P.O.S.T.

AYES: Commissioners Daly, Nelder,Toler, Murphy, Sanchez

POLICE COMMISSION REPORT

a) Discussion re whether Leave of Absence Requests should be submitted to the Police Commission for approval.

Commissioner Nelder said that he had made this motion last week and that he felt this was simply part of management work, and that the Chief had enough things to do without being the one who grants or refuses requests for Leaves of Absence. He said he feels that numbers of personnel available to the Chief should be regulated by the Commission and, therefore, believes it is within the province of this Commission to approve or disapprove Leaves of Absence sought by members.

Commissioner Murphy said she felt the Commission was not in a position to make that decision, which is purely administrative, and that it should be left entirely to the discretion of the Chief of Police.

After further discussion, Captain Trueb of the Legal Office, was called upon to give and opinion as to the Police Commission's jurisdiction on this issue and said he has some reservations about making

statements one way or another at this time, but he would like to have it continued for one week, at which time he would then be able to give a more substantive answer, verbally and/or in writing, for the Commission's guidance.

The matter was then continued for one (1) week.

On another issue, Commissioner Daly asked it it was possible to have at next week's meeting the number of cases the Department has that are going before the Board of Permit Appeals which involves massage parlors and, apparently, undercover work in hotels, escort services, and that she was asking for this information for two reasons: 1) Because there must be a tremendous amount of overtime pay involved in the hours being spent there and she said she heard those complaints from citizens who were before the Board of Permit Appeals on other issues. So, she said, she would like to know what kind of overtime hours are involved, and; 2) What has brought this about as far as priorities are concerned?

Commissioner Murphy then mentioned another matter that she felt should be brought to the attention of the Commission in that in a document entitled "California Women" published by the California Commission on the Status of Women, there has been a study made on Responding to Spouse Abuse and Wife Beatings, a Guide for Police by Nancy Loving. She said it is apparently a very good document and is available from the Police Executive Research Forum, 1909 K Street, Northwest, Suite 400, Washington, D.C., 20006. She said the price is $6.00 and she would recommend that the Department obtain at least one copy to see if it could be used by the Training Division of this Department.

CHIEF'S REPORT TO THE POLICE COMMISSION

Chief Murphy said he had no report tonight.

PUBLIC HEARING ON CHIEF'S REPORT AND RECOMMENDATIONS REGARDING "ALLEGATIONS MADE AGAINST THE INTERNAL AFFAIRS BUREAU."

Commissioner Sanchez said before the Chief begins his presentation he would like to, on behalf of the Commission, thank many citizens and particularly

Department Staff who have taken the time over the last 5 or 6 weeks to either participate in writing, or appear in person, and address the Commission pertaining to this matter. He said the Commission, as a body, has not yet reviewed the Chief's Recommendations. However, he said, the Commission has heard many, many comments and what he wanted to point out was that the Commission was not concerned about the politics of law enforcement. This Commission, tonight, will listen to the Chief's Task Force Recommendations and ask indivìdiaul questions pertaining to some, or all, of the recommendations, but will not vote to either adopt, or revise, but will hold it over for one (1) week, at which time there will be additional Commission discussion and public discussion on the report which will be available to news media tonight and to the public tomorrow morning.

He then called upon the Chief to make his presentation.

Chief Murphy then read into the record his transmittal letter introducing the Task Force Report to the Commission.

The letter was as follows:

"POLICE DEPARTMENT
CITY AND COUNTY OF SAN FRANCISCO
HALL OF JUSTICE
850 BRYANT STREET
SAN FRANCISCO, CA. 94103

Address All Communications
CORNELIUS P. MURPHY
Chief of Police

Office of the
Chief of Police

July 29,1981

In Reply,Please Refer To:

OUR FILE: C-1263-94

The Honorable Police Commission
Hall of Justice
850 Bryant Street
San Francisco, California 94103

Dear Commissioners:

The Task Force Report on Internal Affairs policy and procedures is the result of numerous meetings of the Task Force. They also attended all of the public meetings held by the Police Commission and the Board of Supervisors' Select Committee on Crime and Violence.

Attendance at the public meetings was to get as much public input into their recommendations as possible. Nineteen specific recommendations were made by the Task Force. I commend the Task Force for their thoroughness and objectivity. These recommendations deal with procedures for receiving, reviewing, and investigating, as well as an appeal process to the Commission for persons who are dissatisfied with any aspect of the investigation.

The Task Force Report, through its recommendations, points out that there are areas in the procedural aspects of the Internal Affairs Bureau that need immediate attention. Despite the fact that these changes in departmental policy and procedure are necessary, I wish to make it clear to the Commission, to the public, and to the members of the department that there has been no evidence of cover-ups or whitewashing of any complaint by the Internal Affairs Bureau, and that my confidence in the integrity of the members of the Internal Affairs Bureau is unshaken.

Each of the recommendations deserves consideration from the Commission. I do, however, recommend that No. 7 (page 7) pertaining to the Peace Officers' Bill of Rights not be acted on immediately because we are currently negotiating a Memorandum of Understanding which will be presented to the Commission in the near future.

I also recommend that No. 8A (page 7) be amended to read: "Any member who receives three or more complaints of any nature in one year be counseled by his commanding officer and any member who receives three or more excessive force complaints in one year be counseled by the Division Commander."

I further recommend that a procedure be implemented to allow complainants an opportunity to discuss his/her complaint with the investigating officer prior to appeal to the Commission.

As the Chief of Police it is my duty to administer and manage the department in accordance with the policy and procedure set by the Police Commission. For the past year and a half I have, with the help of dedicated police officers and citizens who are concerned for their safety and welfare, been able to turn this department into what I consider to be the finest in the country.

At a time when crime is increasing in other major cities in double digit percentages, San Francisco has held the line and has in fact down a decrease in two categories of violent crime, namely, rape and aggravated assault.

Productivity by the department is at an all time high. We have a department that is responsive to the needs of all of the diverse communities in the

city. None of these accomplishments occurred by accident. Hard work and dedication were the key elements in achieving these goals. Another factor which must be considered is that our police officers feel that they have the support of their Chief in fulfilling their duties. They do have that support and they will continue to have that support. Nonetheless I will not shirk from my responsibility to enforce discipline in the department and each member will be held accountable for his/her actions.

Fundamental to the success of the department is that I as the Chief of Police need the same support and confidence from the Police Commission.

I feel strongly that if these recommendations are adopted they will guarantee that our investigations are thorough, timely, and objective. They will also remove the "aura of secrecy" over Internal Affairs and will enhance the credibility of Internal Affairs as perceived by some citizens.

I support these recommendations and strongly urge you to adopt them as policy and request that you monitor and review these procedures at a later time to determine their effectiveness.

Sincerely yours,

s/
CORNELIUS P. MURPHY
Chief of Police"

Commissioner Sanchez then asked the Chief to go over those 19 recommendations. However, Commissioner Murphy requested, prior to the Chief going over the recommendations, a clarification as to what exactly was his charge to the Task Force?

The Chief said the Charge to the Task Force were to answer these specific questions: "What specifically is the mission of the IAB? Under what conditions should witnesses and accused officers be interviewed? When and under what conditions should an investigation be opened? When and under what conditions should an investigation be closed? And what are the criteria for the use of investigations findings, both sustained or not sustained, or exonerated filed against an officer, be most constructively utilized?

Commissioner Murphy said she had a problem with some of those questions addressing some of the complaints as presented by persons in the Community in that it would seem that they do not address those problems presented by a great deal of the testimony received by this Commission.

The Chief then proceeded with the recommendations and thereafter the matter was opened for questions and discussion.

The Chief called upon Commander Gerald D'Arcy, who was a part of the Staff that put together the Task Force Recommendations, to answer specific questions from the Commissioners.

Commissioner Toler inquired as to how current investigators in the IAB are selected and was told many were volunteers and had become Inspectors based upon demonstrated merit.

Commissioner Daly said there were some things she liked about the report and there were some things she did not like. One thing in particular was the appeal process where two of the Commissioners would eliminate themselves for hearing a disciplinary matter before the Commission in those cases where the appeal process was in effect. She said she strongly objected to this process in that it takes away the purpose of the Commission as a Civilian Review Board. She also objected to what she considered was a possible harrassment tactic by the Department in item #10, "Tracking System."

Commissioner Nelder had questions on number 19 and number 5, and after hearing the Chief's response to those, said that the next question was not included in the recommendations but asked if it would be feasible to include an Inspection Detail in the IAB?

The Chief said the Department was, in fact, now moving to institute a Staff Inspection Unit to work out of the Chief's Office and it would probably be made up of a Captain, Lieutenant and Sergeant. He said they would perform Staff Inspections as to procedures, equipment and complaints, and they would have no line authority but would report all violations to the Chief.

Commissioner Nelder said that he would also approve of recommendation number 18 in that the Captain's position in the IAB be elevated to that of a Commander. He said one of the weaknesses in the IAB has been the authority of the Commander of the Unit, because his authority has not been extensive enough. He said as a Commander he would be able to have that Staff Inspection Unit under his control and could see that the Staff Inspection function is carried out on a 24 hours a day basis.

Commissioner Murphy said she had a few things to say regarding IAB's judgment on any case whether it is sustained or not sustained, unfounded or exonerated,

which should be based on the receipt of an amount of good information.

She said she did not feel you would be able to get good information when it takes 15 days, as suggested in the Task Force Recommendations, to start an investigation or even to complete it. She said if there is a complaint made by someone in the Tenderloin, an area where people are very mobile, you would not be able to find anyone as a witness after 15 hours, let alone 15 days. She said the investigations she has read are repetitive, monumental and rarely comes to a conclusion without repeating something that hasn't already been stated in the first paragraph. She said she felt to ask this Commission, whose members are strictly voluntary, to peruse all such investigations is a futile undertaking. She said she feels there has to be a change and the only reason those officers in the IAB are currently there is because of their working conditions, i.e., 9 to 5 and weekends off. She said, however, if they were really on the job and really made investigations late at night, or early in the morning, or after work, they would probably accomplish more. She said she did not believe the Department would be able to obtain officers who would make completely objective investigations where their friends are future and former partners.

She said the department members are a close knit organization which is what it is supposed to be, because their lives depend on it, but on the other hand, she said, she thinks the Commission is asking too much of officers to investigate any specific officer because he has a half dozen complaints against him of varying degrees.

She said some of the Chief's Task Force Recommendations may help, but some, she felt were not worth much.

She said she would like to read every complaint of excessive force and that she was not worried about complaints made about some meter maid who gets into an argument with some woman from Hillsborough, but she does worry about excessive force and brutality accusations. She said she would like to see an investigation of this type of complaint commence instantly, even if the complaint is made at the end of a working day when those officers are getting ready to report off duty and not two weeks, 15 or 30 days later.

She then asked the Chief if the Commission wanted to develop a system where a good many of these recommendations were implemented, but also, if the Commission recommended 5 Civil Service Civilian Investigators under a civilian supervisor directly under the Chief of Police to handle excessive force cases, how would the staff work for its implementation be done.

The Chief advised that he would assume that the Commission would come back next week and adopt some, if not all, of the recommendations and, in addition to that, some Commission proposals also, and whatever those proposals were, the Department would initiate the Staff work to achieve and implement those proposals as soon as possible.

Commissoiner Sanchez, thereafter, announced to the audience that the Commission would hold another hearing on the Chief's Task Force Recommendations at the next week's meeting and at that time would accept public testimony on those recommendations and that copies of those recommendations would be available to members of the press tonight and then to the public tomorrow morning in the Office of the Police Commission, Room 505.

After a 5 minute recess the Commission then reconvened and called the next item.

RESOLUTION NO. 426-81

SETTING OF DATE FOR HEARING OF POLICE OFFICER SYLVIA DAVID, VICE CRIMES-NARCOTICS DIVISION

WHEREAS, the date to be set for the disciplinary hearing of Police Officer Sylvia David, Vice Crimes-Narcotics Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Jerome A. DeFilippo, attorney for Police Officer Sylvia David, that the date for the hearing before the Police Commission be set for August 12, 1981; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Sylvia David, Vice Crimes-Narcotics Division, is set for Wednesday, August 12, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

PUBLIC HEARING RELATIVE TO PROPOSED SECONDARY EMPLOYMENT, GENERAL ORDER B-3, AS AMENDED. (CONTINUED FROM THE MEETING OF JULY 22, 1981) - OFF CALENDAR

Deputy Chief Shannon asked the Commission to allow Mr. Bob Barry of the San Francisco Police Officers' Association to speak on this subject as he has been in conference with the City Attorney.

Mr. Barry said he would ask the Commission for another continuance in this matter and the reasons were that the Secondary Employment Order includes a Hold Harmless Agreement which, in effect, would be a contract between the employing agency and the officer.

He said the City Attorney's Office, at this time, feels that employing agencies should incur whatever expenses involving law suits accruing against actions taken by an officer while involved in Secondary Employment.

He said the City Attorney has suggested a few alternatives and one would be an insurance policy, an umbrella organization, that would handle all Secondary Employment and, in essence, do away with the Hold Harmless Agreement.

He said they want to explore every legal avenue with their attorneys in this regard because if this did go into effect, there would be a tremendous economic loss for those officers working Secondary Employment.

After further discussion, Commissioner Nelder moved to take the matter off calendar.

It was seconded by Commissioner Murphy and unanimously approved.

Thereafter, Commissioner Toler moved that the Department maintain the enactment of its old rule as presently constitutes regarding Secondary Employment and it was seconded by Commissioner Daly.

After discussion, the motion was amended to include that the San Francisco Police Officers' Association come back in four (4) weeks with an update of whatever progress was made and that the Department's representative, Deputy Chief Shannon, return in eight (8) weeks with the Department's recommendation.

RESOLUTION NO. 424-81

REQUEST FOR SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $236,949 TO RECLASSIFY TELEPHONE OPERATOR POSITIONS TO COMMUNICATIONS DISPATCHER POSITIONS.

RESOLVED, that the Police Commission hereby approves the request for a Supplemental Appropriation in the amount of $236,949 reclassifying the fifteen (15) telephone operator positions in the department to thirteen (13) Police Radio Dispatchers.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 425-81

STATUS REPORT IN THE MATTER OF INSPECTOR WILLIAM C. BIGARANI, BUREAU OF INVESTIGATIONS

WHEREAS, the hearing of Inspector William C. Bigarani, Bureau of Investigations, was called, it having been set for this date; and

WHEREAS, a communication was received from William T. Beirne, Attorney at Law, advising that Inspector William C. Bigarani is awaiting the completion of a pre-sentence report which will be presented to the Court on August 17, 1981, and requesting that the hearing be continued until after the August 17 date; therefore be it

RESOLVED, that the date for the setting of the hearing of the disciplinary charges filed against Inspector William C. Bigarani, Bureau of Investigations, is set for Wednesday, August 26, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 427-81

POLICE OFFICER LUCIEN R. SENHAUX, SOUTHERN POLICE STATION

WHEREAS, charges of violating the Rules

and Procedures of the San Francisco Police Department were filed against Police Officer Lucien R. Senhaux, Southern Police Station, as follows:

SPECIFICATION NO. 1

Conduct Unbecoming an Officer Reflecting Discredit Upon the San Francisco Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 2

Conduct Unbecoming an Officer Reflecting Discredit Upon the San Francisco Police Department. (Violation of Section 2.13 of the Rules and Procedures of the San Francisco Police Department.)

SPECIFICATION NO. 3

Failure to Prevent Crime. (Violation of Section 2.03 of the Rules and Procedures of the San Francisco Police Department.)

by Cornelius P. Murphy, Chief of Police of the San Francisco Police Department; therefore be it

RESOLVED that the date for the setting of the hearing of the disciplinary charges filed against Police Officer Lucien R. Senhaux, Southern Police Station, is set for Wednesday, Augsut 5, 1981, at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez then stated that the Commission had just received some correspondence from the Finance Committee of the Board of Supervisors. He then asked that it be read into the record which was as follows:

"Member
Board of Supervisors
City and County of San Francisco

Committees:
Chair:
Finance
Vice Chair:
State and National Affairs

Member:
Streets and
Transportation

LOUISE H. RENNE

July 29, 1981

JOINT

Mayor Dianne Feinstein Police Commission Chief of Police

Ladies and Gentlemen,

Testimony before the Finance Committee today has indicated the desirability of purchasing a fingerprint identifications computer; in particular, the Rockwell International Printrak 250S Fingerprint Identification System Computer.

Today's testimony also indicated that the opportunity to purchase such a system is rapidly running out. From correspondence received from the Rockwell Manufacturing Company it appears that the city has until July 31, 1981 to indicate a desire to purchase the computer.

In view of the testimony received by the Committee and the necessity for immediate action, the Committee requests that the Mayor, the Chief of Police and the Police Commission promptly explore the feasibility of purchasing a fingerprint identification system, namely the Rockwell, and report back to the Finance Committee by August 5, 1981 as to the feasibility of purchasing such a system. For your information, Mr. Denis Osgard, who is the regional manager for Rockwell International, located in Anaheim, California (714-632-4019) and Mr. Lee Bren of U.S. Leasing in San Francisco who testified before this Committee do have information concerning this subject.

In exploring the feasibility of using such a system, it is also requested that the possibility of using the system with other Bay Area Counties be explored as criminals do not stay or live soley within the confines of the County.

Should you have any additional questions, I stand ready to be of assistance.

s/ Louise H. Renne
Louise H. Renne
Chair, Finance Committee
cc: Supervisors Dolson & Hongisto/Budget Analyst

Room 235 . City Hall . San Francisco, California
94102 (415) 558-5015"

Chief Murphy, in responding to a question by Commissioner Murphy, said that this is a good system, but what it comes down to in budgetary items is a matter of priority for the Department as to what is needed most.

He then spoke of Prop. 13, limited resources, and decisions made at the time when the City couldn't afford 2 million dollars, of possibly having to give up numerous civilian positions in the department, which obviously, could not be afforded.

He said there is a lot of local support to get the Fingerprint Computer but there are still many other items of concern for the Department. He said if the money were available, Compupter Assitance Dispatch would be a higher priority for the Department. He said realistically looking at it, he felt the concern of the people who had been working very hard on this particular project would see it as a higher priority than Computer Assisted Dispatch. But nonetheless, he said, CAD wouldput the Department up in the 20th Century as far as operations and dispatching radio cars, having accountability as to response time, location of cars, units available, and so forth. He said it is a high priority item, but at this point, it is a decision for the Commission to make. Does the Commission want this or should the Department want something else?

He said he did not feel the support would be there from the Community for another object whereas right now the support is certainly here for the Fingerprint Computer.

Commissioner Nelder then said it appears that all that is required of the Commission is a motion to support the acquisition of the Fingerprint Computer.

Commissioner Murphy seconded the motion and it was unanimously approved.

Commissioner Sanchez said the Commission Secretary would prepare a letter in response, indicating action taken on this matter at tonight's meeting.

On another matter not previously scheduled, the Commissioners heard from Mr. Abraham Endzweig regarding Jitney Bus Hearings.

He said the Commission had first held hearings on this issue on June 17, and continued them to July 1st, at which time the Commission issued a decision to allow permits for the Fisherman's Wharf Route. He said as it turned out, 4 individuals

decided not to pursue the matter any further, thereby leaving only two as there were only 6 who had originally indicated an interest in the Route. He said since that time there are now 6 or 7 new applicants and he would like to see if it was possible to substitute some of those parties for the ones who are no longer interested.

Commissioner Sanchez suggested that the matter be referred to the Chief and the Legal Department for information as to what the Commission may, or may not be able to do in this regard.

Chief Murphy suggested that Mr. Endzweig see Officer Suslow in the morning to iron out all of the details and then maybe place it on next Wednesday's agenda.

Commissioner Nelder on another issue, said that before there is a motion made for adjournment, he would like to mention that he was told, upon entering the building this afternoon, that Inspector Frank Kennedy passed away today. He said he was told that the Inspector was out at the Police Pistol Range and had had a heart attack.

Chief Murphy said the Inspector was at the Range, had a heart attack, and from all indications he passed away right there. He said they took him to the closest hospital which was U.C. and there he was pronounced dead.

Commissioner Nelder then said he would move that the Commission adjourn in memory of Police Inspector Frank Kennedy.

The Commission then adjourned its meeting at 7:45 p.m.

SECRETARY

4 AUGUST 1981 SPECIAL MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 512, Hall of Justice, 850 Bryant Street, on Tuesday, August 4, 1981 at 1400 hours in Executive Session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

1. Attorney/Client Conference

2. Personnel Matter.

No vote was taken.

The Commission adjourned its meeting at 4:00 p.m.

Willie E. Frazier

SECRETARY

5 AUGUST 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 5, 1981 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

728 VALLEJO STREET - SHING HING CO.

a) At 728 Vallejo Street, install a 22' yellow zone, extending from west property line 22' east of same.

b) Remove meter.

2548 SAN BRUNO AVENUE - BOB & TOM'S GLASS CO.

a) At 2548 San Bruno Avenue, in stall a 22' yellow zone, extending from 20' south to 2' north of south building line.

b) Remove meter #2524.

407 CLEMENT STREET - CLEMENT FARMER INC.

a) At 407 Clement Street, install a 24' yellow zone, extending from 4' west to 28' west of east property line. (parallel parking.)

b) Remove meters #407 & 409.

1359 PINE STREET - S.F. CONVALESCENT CENTER

a) At 1359 Pine Street, revoke existing 22' white zone, extending from 36' to 58' west of east line.

b) At 1359 Pine Street, replace with 22' blue zone, extending from 36' to 58' west of east line.

602 IVY STREET - S.F. LIGHTHOUSE FOR THE BLIND - DENIED

a) At 602 Ivy Street, install an 80' white zone, extending from east property line 80' west of same. DENIED.

924 PRESIDIO - JOSEPHINE'S - DENIED

a) At 924 Presidio, install a 20' white zone, extending from north property line 20' north of same. DENIED.

399 SACRAMENTO STREET - S.F.P.D. - REVOKED

a) At 399 Sacramento Street, revoke existing 22' yellow zone, extending from 30' to 52' east of Battery Street.

280 BATTERY STREET - S.F.P.D. - REVOKED

a) At 280 Battery Street, revoke existing 39' Special Truck Loading Zone, extending from 15' to 54' south of Sacramento Street.

3948 MISSION STREET - S.F.P.D. - REVOKED

a) At 3948 Mission Street, revoke existing 21' green zone, extending 21' north of south property line.

259 CLARA STREET - STEPHEN RAHN PHOTOGRAPHY - REVOKED

a) At 259 Clara Street, revoke existing 22' green zone, extending from 18' to 40' east of west building line.

630 GOUGH STREET - S.F.P.D. - REVOKED

a) At 630 Gough Street, revoke existing 26' yellow zone.

96 EDDY STREET - S.F.P.D. - REVOKED

a) At 96 Eddy Street, revoke existing 30' yellow zone, extending from 20' to 50' east of Mason Street.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 182 feet of white, yellow and green zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 428-81

HERBERT B. JAGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Herbert B. Jager against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 9, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 429-81

R. D. HOWARD

RESOLVED, that the recommendation of the

City Attorney for settlement of the claim of R. D. Howard against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 1, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 430-81

FRANK BONFIGLIO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Frank Bonfiglio against the City and County of San Francisco in the sum of $55.00 as the result of a faulty tow, be,and the same is hereby approved.

Date of Incident: June 21, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 431-81

CALIFORNIA STATE AUTOMOBILE ASSOCIATION AND VINCENT VENENCIANO

RESOLVED that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association and Vincent Venenciano against the City and County of San Francisco in the sum of $891.85 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: May 1,1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 432-81

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense

Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Captain Richard D. Klapp Personnel & Training Lieutenant Ronald L. Jackson Police Academy	)$120.50 each	(P.O.S.T. Quarterly Meeting, San Diego, California, on July 16, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 433-81

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Police Officer Douglas Kidd Tactical Division	) $291.50	(Special Weapons & Tactics (Basic Course, Santa Rosa, (California, from April (26, 1981 to May 1, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 434-81

AUTHORIZING ATTENDANCE OF POLICE OFFICERS DAVID FONTANA, DANIEL MC DONAGH AND JERE WILLIAMS, TACTICAL DIVISION, AT A SPECIAL WEAPONS AND TACTICS BASIC COURSE, AT SANTA ROSA, CALIFORNIA, FROM AUGUST 17, 1981 TO AUGUST 21, 1981

RESOLVED, that the recommendation of the Chief of Police that Police Officers David Fontana, Daniel McDonagh and Jere Williams, Tactical Division, be detailed to attend a Special Weapons and Tactics Basic Course at Santa Rosa, California, from August 17, 1981 to August 21, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police

Officers Fontana, McDonagh and Williams, in a sum not to exceed $291.50 each, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez then stated that at this point, the Commission would proceed to item number 5. He advised the members in the audience that a tablet was being passed around for those who so desired to sign up, if they wished, to address the Commission pertaining to the recommendations of the Chief of Police regarding the Police Department's Internal Affairs Bureau. He said because of the previous public hearings on this issue where persons were given the privilege of addressing the Commission, he said he would limit the speakers presentation to 4 minutes per person. He said the procedure would be for the speaker to come forth, give his name, indicate if he/she is speaking in favor, against, or whatever. He said after an hour and a half, public discussion would be closed, the Commission would then take a brief 5 minute recess and thereafter, discuss the recommendations along with any amendments, deletions or whatever, in public, pertaining to the adoption, rejection or amendments to said proposals. He said those would be the ground rules.

He then asked the Secretary to the Commission if there were any official correspondence.

He said he knew that there were some members of the Board of Supervisors who had desired to attend the meeting but could not, but, have sent either their staff aides, or letters, and as a matter of protocol for the City's elected officials, or their representatives, he requested they come forth and read the statements on behalf of their Supervisors.

PUBLIC HEARING ON THE SAN FRANCISCO POLICE DEPARTMENT'S TASK FORCE REPORT AND RECOMMENDATIONS REGARDING, "ALLEGATIONS MADE AGAINST THE INTERNAL AFFAIRS BUREAU." (CONTINUED FROM THE MEETING OF JULY 29, 1981)

Ms. Avonee Smith from Supervisor Willie B. Kennedy's Office, stated that the Supervisor regretted that she could not appear before the Commission this evening because she was presently Chairing a hearing with the Select Committee on Crime and Violence and asked her (Ms. Smith) to come before the Commission and read a letter on her behalf.

Ms. Smith then read Supervisor Kennedy's letter, which is as follows:

"Dear Members of the Commission, I would like to take this opportunity to bring before you my position in regards to the present Internal Affairs Bureau and the possible establishment of an Office of Civilian Complaints. I embrace the concept of utilizing the Commission as an appellate board as was recommended by the Task Force and Police Chief Cornelius Murphy. I wish to put forward an amending suggestion which calls for employing civilian personnel to conduct subsequent investigations of all cases referred to the Police Commission on appeal. These investigations and the findings generated by them should be presented to, and heard by the Police Commission prior to ruling on the appeal. And that is sincerely yours, Supervisor Willie B. Kennedy."

Commissioner Sanchez then thanked her and said that the letter would be made a part of the record of tonight's testimony.

The following speakers then came forth and presented testimony as follows:

People against Chief's Recommendations:

Mr. Thomas H. Gee, Bar Association, gave oral and written testimony.

Mr. Peter Graham, Attorney, NAACP

Mozell Lake, Citizen's Action League

Mr. Zadik Shapiro, Citizen's Action League

Mr. Ben Gardiner, STONEWALL Gay Democratic Club

Crown Prince Arcadia, The Human Race

Ms. Yvonne S. Golden, Black Ed. Network

Mr. Rodney E. Williams, President, Officers For Justice

Ms. Gwenn Craig, Harvey Milk Gay Democratic Bluc

Mr. Percy H. Steele, Jr., Bau Area Urban League

Mr. Hank Wilson

People in Favor of Chief's Recommendations:

Mr. Jim Rourke

Mr. Julius Zamacona

Ms. Victoria Gelum, Russian Hill Forum

Mr. Rory D. Starks, Walking Patrol Northern District

Ms. Joyce B. Hall, Visitation Valley Coordinating Council

Mr. Bruce Goldstein, San Francisco Chamber of Commerce

Mr. David Finn, Citizens for an Effective Police Department

Mr. John Bardis, Former Member, Board of Supervisors

Mr. Bob Barry, President San Francisco Police Officers' Association

Mr. Robert A. Martin, Attorney, San Francisco Police Department

Commissioner Sanchez then thanked the speakers for their presentations and after a 10 minute recess, the Commission began their own deliberations on the Task Force and Chief's Recommendations along with consideration of a number of recommendations that were put forth at tonight's hearing.

Commissioner Sanchez then said when this Commission first came into office in 1980, one of the first areas they were concerned with was the process of IAB and Citizens Complaints against members of the San Francisco Police Department. He said the Chief, himself, has admitted that the IAB had a certain amount of secrecy that would no longer be tolerated. He said it was commendable for the Chief to publicly say that and subsequently make these recommendations, that some members would not like them but he would present them publicly and take whatever comes in the form of criticism thereafter. He said to have the Chief say that the Department has this system in full operation and has found that some of the procedures are not working, and that he, as the Department head, is going to try to the best of his ability to make some positive corrections. He said the Task Force Recommendations under the auspices of the Chief, has been formulated in the best interest of the San Francisco Police Department.

He then said he had the highest confidence in his fellow Commissioners in that they would insure that whatever process the Commission adopts as a policy will, in fact, assure even greater accountability of Law Enforcement in this city. This he said, is their charge as a Police Commission.

With that, he said, he would open it for discussion with the other members of the Commission.

Commissioner Murphy then read a statement which was as follows:

"In order to resolve the dilemma of handling civilian complaints against San Francisco Police Officers, I wish to propose 4 separate motions for the consideration by the Police Commission. The first one I will move and hope that I get a second so that we can discuss it. So I move that the Commission take ths position that it is opposed to any effort to superimpose by ordinance, or ballot measure, a Civilian Review Board, or an Advisory Board, or any other such device which will impinge upon the authority of the Police Commission as provided in the Charter, I so move."

Commissioner Daly: "Second."

Commissioner Sanchez: "Fine, there is a motion and a second, discussion?"

After further discussion by Commissioners Daly and Nelder who indicated total support for Commissioner Murphy's motion, it was voted upon and was unanimously approved.

Commissioner Murphy then addressed the President and stated that she had another motion to make. She said she would move that an Administrative Unit be created composed of 4 civilian investigators and a supervisor, all selected by appropriate Civil Service Procedures which would report to the Chief of Police.

Commissioner Daly seconded and after much discussion, Commissioner Murphy said she would withdraw this motion and bring it up at a later time in the meeting.

Commissioner Daly also said she would withdraw her second.

After further discussion, the Commission then decided to put to a vote as to whether the motion should be allowed to be withdrawn at this time.

Commissioner Sanchez then asked all in favor on the motion to withdraw state Aye!

Commissioners Daly and Murphy, Ayes, Commissioners Toler, Nelder and Sanchez voted Nay.

After further discussion on this issue by Commissioners Daly and Sanchez, Commissioner Sanchez asked for those all in favor of Commissioner Murphy's original motion please state Aye!

Commissioners Daly and Murphy voted Aye, Commissioners Toler, Nelder and Sanchez voted Nay.

Commissioner Murphy's motion failed by a vote of 3 against and 2 for it.

Commissioner Sanchez then asked to continue with discussion of the Chief's Task Force Report to see if it would be accepted in total, parts of it, or discuss it recommendation by recommendation, including any amendments at this point and time.

Commissioner Nelder then moved that the Commission support and adopt the Chief's Recommendations pertaining to the IAB submitted by the Chief's Task Force. He said if there is a second to his motion then he would like the Commission to read, in sequence, through the entire 19 recommendations and see if there are any modifications or rejections.

This motion was seconded by Commissioner Daly.

Commissioner Murphy asked that the motion be amended and agreed only when it was stated thusly: That the report be adopted pending review of all recommendations 1 through 19.

Thereafter, each individual recommendation was read and discussed in chronological order.

Commissioner Sanchez then asked Lieutenant Frazier to read the recommendations.

Recommendation No. 1:

"Strive for as much openness as possible in the methodology, investigative techniques and disposition reporting as is allowed by current law."

#1 - Moved for adoption by Commissioner Murphy, Seconded by Commissioner Nelder and unanimously approved.

Recommendation No. 2:

"Provide for a complainant's appeal to the Police Commission for review of any investigation recommending "Exonerated," "Unfounded," or "Not Sustained," disposition in accordance with the procedures discussed in Section II (2) following."

#2 - Commissioner Nelder then moved for approval and Commissioner Toler seconded, after which discussion was held.

Commissioner Murphy said her concern was that this recommendation may preclude any or all Commissioners who review a specific complaint, preliminary review that is, may preclude that Commissioner from sitting with the full Commission in hearing a disciplinary matter stemming from that specific complaint. She said she would be very much opposed to that.

She said the City Attorney has been asked to rule upon this and until that time comes, the Commission should not accept this.

Commissioner Sanchez said that this matter has come up before and he also felt that this should really be clarified. He said he would like to hold up on it until the City Attorney responds.

Commissioner Murphy voted to amend the original motion and hold the matter in abeyance until the City Attorney responds.

Commissioner Daly seconded and it was voted on by roll call in this manner:

Commissioner Nelder, Nay,
Commissioner Daly, Aye,
Commissioner Sanchez, Nay,
Commissioner Murphy, Aye,
Commissioner Toler, Nay.

The Commissioners then took the original motion made by Commissioner Nelder under consideration and it was voted upon after roll call in this manner:

Commissioner Nelder, Aye,
Commissioner Daly, Nay,
Commissioner Sanchez, Aye,
Commissioner Murphy, Nay,
Commissioner Toler, Aye.

Commissioner Nelder's motion was approved by a 3 to 2 vote. This vote approved the recommendation pending a response by the City Attorney's Office.

Recommendation No. 3:

"Adopt by Department General Order, in accordance with current law and departmental policy, experimental procedures for taking, recording, investigating and concluding citizen's criticisms and complaints which have been in use for test purposes since January, 1981. (See Section III for new procedures.)

#3 - Commissioner Nelder moved approval, seconded by Commissioner Murphy and it was unanimously approved without further discussion.

Recommendation No. 4:

"The Police Commission should establish a policy for review of investigations of citizens' complaints, except those investigations which result in a recommendation for disciplinary action, on a random sampling basis to ensure quality control. All Commission review should be in accordance with procedures set forth in Section II (2) following."

#4 - Commissioner Toler moved approval, seconded by Commissioner Daly and it was unanimously approved.

Recommendation No. 5:

"Investigations referred by the Internal Affairs Bureau (I.A.B.) to other units for investigation should be made the personal responsibility of the commanding officer or officer-in-charge of the unit. Delegation of the investigative function should be limited to a commissioned officer rank, except in cases where the officer-in-charge is a sergeant. In the latter case no further delegation of the investigative function shall be permitted."

#5 - Commissioner Nelder moved approval, seconded by Commissioner Daly, and for purposes of discussion, Commissioner Nelder pointed out that this matter had been discussed the previous week regarding limiting the investigative function to no lower than that of a commissioned officer. He moved approval if so amended.

Chief Murphy concurred and this item was recommended to read: "Delegation of the investigative function should be limited to a Commissioned Officer." Delete, (except in cases where the officer-in-charge is a sergeant all the way through permitted.)

Commissioner Murphy said she disagreed with this amendment in that she felt a sergeant could make the appropriate investigation where a Commissioned Officer had not been assigned and/or was not available.

Commissioners Toler, Daly, Nelder, Sanchez, voted Aye, to approve the recommendation as amended and Commissioner Murphy voted Nay.

Recommendation No. 6:

"Design and use a Citizen Satisfaction Questionnaire to be mailed to all citizen complainants where informal resolution of the complaint is utilized. Returned questionnaires indicating citizen dissatisfaction with the resolution shall be forwarded by I.A.B., to the Police Commission for their information and action which they deem appropriate."

#6 - Commissioner Murphy moved approval, seconded by Commissioner Daly and it was unanimously approved.

Recommendation No. 7:

"Include in the Departmental General Order implementing new I.A.B. policy and procedures the "Public Safety Officer Procedural Bill of Rights" as contained in Section 3300 et. seq. California Government Code."

#7 - Commissioner Sanchez said he believed the Chief, at last week's meeting, with-

drew this recommendation. He then asked the Chief to respond.

Chief Murphy said that was correct, and he had withheld this recommendation and request no action on that particular issue at this time as it is a part of the Meet and Confer Process with the San Francisco Police Officer's Association on the new forthcoming Memorandum of Understanding.

Commissioner Murphy then moved that this recommendation be rejected.

Commissioner Daly seconded and it was unanimously approved.

Recommendation No. 8:

"Employ a full-time licensed psychologist to devise and implement a method to utilize a member's citizen complaint record as an "early warning" indicator for corrective action or counseling. Explore other methods of counseling."

#8 - Commissioner Murphy moved for rejection and Commissioner Daly seconded. During discussion Commissioner Daly pointed out that the Commission itself should research pre-employment psychological evaluation and testing as done by other departments to see the effectiveness, or lack of, at that juncture before employment occurs. She said there is a lot of stress in the department and she would like to see this recommendation tabled until more research could be done to bring about something that would really be beneficial to the department and beneficial to the officers.

After further discussion, where all parties seemed to agree, the matter was tabled for further review.

Recommendation No. 9:

"Complaint (usually on SFPD Form 293) reduced to writing and complainant allowed to read, correct, change, and sign if he/she desires. Copy given to both complainant and officer if known."

#9 - Commissioner Murphy moved for adoption, seconded by Commissioner Nelder and unanimously approved.

Recommendation No. 10:

"Establish a system to track the source of complaints to determine if specific persons or groups file complaints for "legal defense tactical" or "harrassment" purposes."

#10 - Commissioner Daly moved for rejection and Commissioner Murphy seconded.

Commissioner Daly said she moved for rejection of this item because the Department already has formats that are available, and if there is consistent misuse of this system it would surface.

Commissioner Nelder said he would support that statement.

Commissioner Sanchez then called for the question and the matter was voted upon and unanimously approved for rejection.

Recommendation No. 11:

"Categorization of all complaints in order that consistent and appropriate investigative methods are applied."

#11 - Commissioner Toler moved for approval, seconded by Commissioner Murphy, and unanimously approved.

Recommendation No. 12:

"I.A.B. should be physically removed from the Hall of Justice if fiscally feasible."

#12 - Commissioner Daly moved for rejection.

Commissioner Murphy said she would second it to get it on the floor for discussion.

Commissioner Daly said that she thought

that having areas where citizens can go that are away from the Hall of Justice, Southern Police Station, and uniform police officers, is extremely important. She said, however, from an administrative standpoint, she had some doubts as to whether an entire bureau could be moved where access is needed to computers, files and communication access between investigators in the Hall. She said she did not feel that moving the entire IAB is an answer because she felt that the answer is in giving citizens other access for filing complaints.

After further discussion, Commissioner Daly then withdrew her motion to reject and amended it to refer the recommendation back to the Chief for further study.

It was seconded by Commissioner Nelder.

Chief Murphy commented on the fact that the Department already has one officer assigned to the Mayor's Assistance Center and suggested that this assignment be expanded to two or three other locations on a trial basis to see if it is effective in terms of providing access to the citizens, but also in terms of cost effectiveness.

The motion was then voted upon and unanimously approved for remanding back to the Chief of Police for further study.

Recommendation No. 13:

"Officers should be available at various non-police public facilities in the City for the specific purpose of recording citizen complaints and advising the general public on the procedures for investigation and complaint resolution."

#13 - Commissioner Murphy moved for adoption, Commissioner Toler seconded, and it was unanimously approved.

Recommendation No. 14:

"I.A.B. personnel should be available on a 24-hour basis and have response capability for citizens."

#14 - Commissioner Daly moved for approval, and Commissioner Toler seconded, and it was unanimously approved.

Chief Murphy advised the Commission that he would submit the details of this recommendation prior to its implementation.

Recommendation No. 15:

"Avoid using the words "adjudicated complaint" in the I.A.B. procedures."

#15 - Commissioner Nelder moved for approval, and Commissioner Daly seconded, and it was unanimously approved.

Recommendation No. 16:

"Early contact with involved member during "preliminary investigation."

#16 - Commissioner Toler moved approval, and Commissioner Daly seconded, and it was unanimously approved.

Recommendation No. 17:

"Maintain and disseminate to appropriate persons statistical information concerning number, types and dispositions of citizens' complaints."

#17 - Commissioner Toler moved approval, and Commissioner Nelder seconded, and it was unanimously approved.

Recommendation No. 18:

"Elevate position of commanding officer of Internal Affairs Bureau to the rank of commander."

#18 - Commissioner Nelder moved approval, and Commissioner Daly seconded, and it was unanimously approved.

Recommendation No. 19:

"Add one civilian trial attorney to department

Legal Section to provide for more timely presentation of disciplinary matters to the Chief of Police and the Police Commission."

#19 - Commissioner Murphy moved approval, Commissioner Daly seconded, and it was unanimously approved.

Commissioner Sanchez said that he would like to say that this recommendation, basically, as so stated, would give the Police Commission as it is so situated, additional Staff, or at least services which may entail 50 or 60% of the time in the Commission Office and utilized to ensure the monitoring of the IAB process including the rotation and selection of Commissioners for assistance in review of complaints, and keeping the process moving.

Commissioner Murphy then stated that she would like to move that a Senior Investigator be hired in the same manner as previously stated in one of her earlier motions, and that it be done through Civil Service Procedures, to serve on the Staff of the Commission under the supervision of the Commission Secretary, to aid the Commission in their review of investigations made by both the IAB and the Civilian Unit and perform such other duties as may be required. She said if the Commission had someone reviewing these complaints and pointing out, for example, "this person was not interviewed, or the attempt was not made to clarify this, or you could have gone and maybe done something else." She said this type of information would be given to the Commission who would then have some basis for saying we would like this reviewed further. In rare cases, it may be, she said, necessary to ask this investigator to conduct a further investigation on his own which could be in concert with the IAB, or completely separate from IAB. She said this was her motion.

Commissioner Toler said he would second Commissioner Murphy's motion.

Commissioner Nelder, during the discussion of the motion, said he was not completely and totally satisfied about a Senior Investigator because he did not know what a Senior Investigator is.

He said he would like to see the Chief make a recommendation as to what Staff would be needed for the Commission Office which may be perhaps just more than an investigator.

Commissioner Sanchez said he voted for #19 which calls for one civilian trial attorney who would also work with the Chief, and also with the Police Commission, as an additional part time staff.

He said he would also like to see a recommendation to create a Staff Inspection Unit with varied specific lines of authority with staff that would be assigned to the Commission Office.

Commissioner Toler said that he seconded Commissioner Murphy's motion because the Commissioners, themselves, did not have the time to do the job on incoming complaints, that should be done in all cases.

He said he felt that if subsequent investigation is needed after the IAB has completed its investigation and forwarded it to the Commission, then this Senior Investigator, who would be somewhat removed from the Department, could conduct that subsequent investigation as called for by the current Citizen's Review Board, the Police Commission.

He said he felt very strongly about having that person on board in the event the Commission needed him for that type of investigation.

Commissioner Daly then called for the question, after which Commissioner Sanchez acknowledged and asked for a vote from all in favor of the motion.

AYES: Commissioners Daly, Toler, Murphy

NAYS: Commissioners Nelder, Sanchez

The motion to hire a Senior Civilian Investigator was approved.

Chief Murphy then asked for a point of clarification, and said, if the Department hires a civilian attorney to assist in the processing in the prosecution of departmental disciplinary cases, couldn't he also double as that Staff person that the Commission had previously discussed?

Commissioner Murphy said she did not believe so because he would be assigned to the Legal Department

and would not have the time to do those duties she had envisaged for the position of Senior Civilian Investigator.

After further discussion, Commissioner Sanchez said that the Commission has now voted line by line, has deleted some items and made changes to others.

The following resolution was then adopted:

RESOLUTION NO. 484-81

RECOMMENDATIONS OF THE AD HOC INTERNAL AFFAIRS BUREAU TASK FORCE - APPROVED

RESOLVED, that the Police Commission does hereby adopt the recommendations of the Ad Hoc Internal Affairs Bureau Task Force, as amended by the Commission.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

It was then decided that the remaining agenda items would now be considered in chronological order.

POLICE COMMISSION REPORT

Discussion re whether Leave of Absence Requests should be submitted to the Police Commission for approval. (Continued from the meeting of July 29, 1981)

Commissioner Nelder said Captain Trueb, of the Legal Office, had submitted a report where he indicated that the Department head has the authority to make a determination as to either grant, or deny, Leaves of Absences. He said in the light of that, he would withdraw his earlier motion and make a new one stating that the Commission be apprised every 90 days as to the personal leaves that are approved by the Department.

This motion was unanimously approved.

On another subject Commissioner Murphy related

the matter of the Taxi Cab applications that are currently being revised at the request of the Commission, advising that the Commission had not given the Department a time frame in which to complete that revision.

She then suggested some deletions and additions and moved that the application, in its revised form, be completed in two weeks and brought back to the Commissioners for final approval.

Thereafter, it would be sent to the first 19 applicants on the current Taxi Cab Permit list.

This motion was unanimously approved.

CHIEF'S REPORT TO THE POLICE COMMISSION

Discussion with members of Citizens Action League.

Commissioner Sanchez said this matter would be held over for one (1) week.

RESOLUTION NO. 435-81

REQUEST FOR A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $11,640,748 TO FUND THE REQUIRED SALARY STANDARDIZATION FOR UNIFORMED OFFICERS FOR FISCAL YEAR 1981-82.

RESOLVED, that the Police Commission hereby approves a "Request for a Supplemental Appropriation" in the amount of $11,640,748 for the purpose of funding the 13.24% increase in the cost of sworn salaries during Fiscal Year 1981-82 which has resulted from the wage standardization salary survey.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REQUEST OF THE CHIEF OF POLICE FOR PERMISSION TO ACCEPT ON BEHALF OF THE POLICE DEPARTMENT A DONATION OF TWO CRIME PREVENTION VANS FROM THE CHAMBER OF COMMERCE.

Acting Captain Frank Jordan, spoke on this item and

introduced Mr. Bill Hamilton, who is head of security at Schlage Lock Company and head of the Crime Convention Committee who were very helpful in raising the funds to acquire this van.

He also introduced Mr. Bruce Goldstein, who is head of the Crime Prevention Committee for the Chamber of Commerce.

Both gentlemen then spoke as to why their committees were instrumental in bringing these items to the Department. They said the primary reasons were to dispel the rumors that San Francisco had more problems than any other city in the United States, and also to prove that there is, in fact, less.

They said because of Project SAFE and because of Captain Jordan's fine work through the Crime Prevention Unit, they made an all out effort to go to the Board of Directors of the Chamber to solicit funds for this van as a pilot project to say that the business community has a deep concern for the crime issue in the city of San Francisco, and that they are totally involved as a business community in saying that they care about the city and that they want to support the Police Department and its crime prevention efforts. He said because of this they decided this crime prevention van would be one of their major projects for the year.

RESOLUTION NO. 436-81

AUTHORIZING THE SAN FRANCISCO POLICE DEPARTMENT TO ACCEPT A GIFT FROM SCHLAGE LOCK COMPANY AND THE SAN FRANCISCO CHAMBER OF COMMERCE SPECIAL PROJECTS DIVISION OF A NEW 10-FOOT $13,000 CRIME PREVENTION MOBIL VAN AND A REFURBISHED FOUR YEAR OLD 29-FOOT CRIME PREVENTION MOBIL VAN VALUED AT APPROXIMATELY $50,000.00.

WHEREAS, the San Francisco Chamber of Commerce Special Projects Division has raised the necessary funds from the private sector and has expressed a desire to donate one new 10-foot mobil van and one 29-foot refurbished mobil van for the use of the San Francisco Police Department Community Services Division; and

WHEREAS, this civic-minded gesture would be an invaluable addition to San Francisco's on-going efforts to make our streets safe for everyone; and

WHEREAS, the addition of mobil vans would enable uniformed police officers to teach crime prevention techniques street by street, in neighborhoods, at shopping centers, street fairs, community parks and at a wide variety of locations---thereby

heightening citizen awareness and understanding by providing responsible and timely information; and

WHEREAS, Section 10.116 of the San Francisco Administrative Code allows for the acceptance of gifts by the Department head of only those gifts to the City and County of San Francisco of a value of Five Thousand ($5,000) Dollars or less; and

WHEREAS, it is necessary for a resolution by the Board of Supervisors to authorize the acceptance of gifts in excess of this amount; and

WHEREAS, the generous gift from the San Francisco Chamber of Commerce and Schlage Lock Co., will be of a value of approximately Sixty Three Thousand ($63,000) Dollars; now, therefore, be it

RESOLVED, that the San Francisco Board of Police Commissioners hereby authorize the Chief of Police to accept, on behalf of the City and County of San Francisco, a gift from the Chamber of Commerce and Schlage Lock Company of one new 10-foot mobil van and one 29-foot refurbished mobil van to be used by the San Francisco Police Department Community Services Division.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez then thanked the gentlemen, and Commissioner Daly said she would like to add that as a member of the Chamber of Commerce she has been real proud as to what the Chamber has done in that the Whistle Campaign alone was incredibly effective and that this item tonight was just another step, and she offered her thanks.

RESOLUTION NO. 437-81

STATUS REPORT IN THE MATTER OF POLICE OFFICER MARTY L. WAY, SUPPORT SERVICES BUREAU, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Marty L. Way, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Marty L. Way, has requested that the matter be continued to October 14, 1981, as his criminal trial is presently set for September 21, 1981; therefore be it

RESOLVED, that the request of Mr. Stephen Bruce Bley, Attorney at Law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, October 14, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 438-81

STATUS REPORT IN THE MATTER OF POLICE OFFICER KEVIN DEMPSEY, SUPPORT SERVICES BUREAU, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Kevin Dempsey, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Kevin Dempsey, has requested that the matter be continued to October 14, 1981, as his criminal trial is presently set for September 21, 1981; therefore be it

RESOLVED, that the request of Mr. Stephen Bruce Bley, Attorney at Law, for a continuance in this matter, be, and the same is hereby approved and continued to Wednesday, October 14, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 439-81

STATUS REPORT IN THE MATTER OF POLICE OFFICER LEONARD G. JEONG, SUPPORT SERVICES BUREAU, COMMUNICATIONS DIVISION

WHEREAS, the hearing of Police Officer Leonard G. Jeong, was called, it having been set for this date; and

WHEREAS, Mr. Stephen Bruce Bley, attorney for Police Officer Leonard G. Jeong, has requested that the matter be continued to October 14, 1981, as his criminal trial is presently set for September 21, 1981; therefore be it

RESOLVED, that the request of Mr. Stephen Bruce Bley, Attorney at Law, for a continuance in this matter, be,and the same is hereby approved and continued to Wednesday, October 14, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 440-81

SETTING OF DATE FOR THE HEARING OF POLICE OFFICER LUCIEN R. SENHAUX, SOUTHERN POLICE STATION

WHEREAS, the setting of the date for the hearing of disciplinary charges filed against Police Officer Lucien R. Senhaux, Southern Police Station, was called, it having been set for this date; and

WHEREAS, since Police Officer Lucien R. Senhaux did not appear, and was not represented by counsel, the Police Commission set the date for the disciplinary hearing for August 12, 1981; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Police Officer Lucien R. Senhaux, Southern Police Station, is set for Wednesday, August 12, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Prior to adjourning, Commissioner Sanchez said the job this Commission has done tonight, whether one agrees or disagrees, really shows that the Commission is really a Civilian Review Board to the Police Department. He said he thought that within the context of respect and disagreement, spirit of inquiry, even though whatever the outcome was, it was really done in the focus of the Democratic process and he thanked all of his colleagues for their input and congratulated

them for a job well done.

Thereafter, Commissioner Nelder mentioned a letter in the correspondence about the women's Take Back the Night March Coalition, and after much discussion on this item, the Commission set a date for a Public Hearing on this matter for September 2nd.

Commissioner Murphy on another subject, women's bullet proof vest, asked Deputy Chief Shannon how many women had acquired the new vest made especially for women.

After Deputy Chief Shannon advised that he knew of only one woman, Commissioner Murphy advised that she would like to be apprised as to the numbers of women wearing, or not wearing, the vest, either the standard or the new ones for the women and, why, if they are not wearing any at all.

Deputy Chief Shannon acknowledged this request and, thereafter, Commissioner Nelder moved for adjournment.

The Commission then adjourned its meeting at 9:42 p.m.

SECRETARY

12 AUGUST 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 12, 1981 at 1700 hours, in regular session.

PRESENT: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

Commissioner Sanchez presiding.

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same is hereby approved:

735 BATTERY STREET - NELSON PETERSON ASSOCIATES

a) At 735 Battery Street, install a 22' white zone, extending from 10' to 32' south of south end of driveway. (First 10' to be painted red.)

68 DORE - REGENT MANUFACTURING CO.

a) At 68 Dore, install a 44' yellow zone, extending from 20' to 64' south of north property line.

1745A FOLSOM STREET - RORKE-DI BELLA

a) At 1745A Folsom Street, install an 18' extension east to the existing 18' yellow zone, making a total of 36' yellow zone.

2015 STEINER STREET - THE HUNGER PROJECT

a) At 2015 Steiner Street, install a 22' green zone, extending 22' south of north property line.

434 O'FARRELL STREET - A ONE RENT A CAR

a) At 434 O'Farrell Street, install a 22' white zone, extending 22' east of west property line.

b) Remove meter #418.

44 ELLIS STREET - LES JOUTINS

a) At 44 Ellis Street, install a 22' white zone, extending from 6' to 28' west of east property line.

b) Meter #20 to be removed.

1200 FOLSOM STREET - FOULKNER COLOR LAB

a) At 1200 Folsom Street, install a 39' green zone, extending from 15' to 54' west of east property line.

1250 JONES STREET - LE CLUB

a) At 1250 Jones Street, install a 22' white zone, extending from 6' to 28' north of south property line.

b) At 1250 Jones Street, revoke existing 22' taxi zone, extending from 6' to 28' north of south property line.

2243 VAN NESS AVENUE - S.F.P.D. - REVOKED

a) At 2243 Van Ness Avenue, revoke existing 40' white zone, extending from 10'north of north property line and 30' south of north property line for a total of 40'.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 62 feet of taxi and white zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 441-81

CYNTHIA KEEL

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Cynthia Keel against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 10, 1981

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 442-81

MARK ADAMS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Mark Adams against the City and County of San Francisco in the sum of $55.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 8, 1981

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 443-81

STEPHEN R. SHAPIRO

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Stephen R. Shapiro against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 14, 1981

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 444-81

CHRISTINE A. HOUCHINS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Christine A. Houchins against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 16, 1981

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 445-81

AUTHORIZING ATTENDANCE OF SERGEANT/INSPECTOR ARMOND PELISSETTI, INVESTIGATIONS BUREAU-JUVENILE DIVISION, AT THE DELINQUENCY CONTROL INSTITUTE AT LOS ANGELES, CALIFORNIA, FROM SEPTEMBER 8, 1981 TO OCTOBER 16, 1981

RESOLVED, that the recommendation of the Chief of Police that Sergeant/Inspector Armond Pelissetti, Investigations Bureau-Juvenile Division, be

detailed to attend the Delinquency Control Institute at Los Angeles, California, from September 8, 1981 to October 16, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant/Inspector Armond Pelissetti in a sum not to exceed $2,315.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 446-81

AUTHORIZING ATTENDANCE OF SERGEANT KENNETH DAVIS, FIELD TRAINING OFFICE, AND SERGEANT NORBERT GUTIERREZ, MISSION POLICE STATION, AT THE "NARCOTIC ENFORCEMENT FOR POLICE OFFICERS" AT HUNTINGTON BEACH, CALIFORNIA, FROM SEPTEMBER 1,1981 TO SEPTEMBER 3, 1981.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Kenneth Davis, Field Training Office, and Sergeant Norbert Gutierrez, Mission Police Station, be detailed to attend the "Narcotic Enforcement for Police Officers" at Huntington Beach, California, from September 1, 1981 to September 3,1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Davis and Sergeant Gutierrez in a sum not to exceed $270.00 each, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 447-81

TRAVELING EXPENSE VOUCHER - APPROVED

RESOLVED, that the Traveling Expense

Voucher submitted by the following-named member of the Police Department for expenses incurred in attending the below-indicated program, be, and the same is hereby approved:

Sergeant Dale Boyd)	$186.00	(Chemical Agents
Police Range)		(Instructor's Course
		(at Gilroy, California,
		(from June 10,1981 to
		(June 12, 1981.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 448-81

TRAVELING EXPENSE VOUCHERS - APPROVED

RESOLVED, that the Traveling Expense Vouchers submitted by the following-named members of the Police Department for expenses incurred in attending the below-indicated program, be, and the same are hereby approved:

Police Officer Michael)	$735.00	(Police Firearms
Griffin)	each	(Instructor Course,
Police Academy)		(at Eureka, Califor-
)		(nia, from July 12,
Police Officer Lawrence)		(1981 to July 24,
Ryan)		(1981.
Police Academy)		

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 449-81

AUTHORIZING ATTENDANCE OF ASSISTANT CRIMINALIST DEBBIE WAKIDA, CRIMINALISTICS DIVISION, AT A BLOOD ANALYSIS SEMINAR, AT EMERYVILLE, CALIFORNIA, FROM AUGUST 17, 1981 TO AUGUST 21, 1981

RESOLVED, that the recommendation of the Chief of Police that Assistant Criminalist Debbie Wakida, Criminalistics Division, be detailed to attend a Blood Analysis Seminar, at Emeryville, California, from August 17, 1981 to August 21,1981,

be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Assistant Criminalist Debbie Wakida, in a sum not to exceed $350.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

POLICE COMMISSION REPORT

Discussion with members of the Citizens Action League. (Continued from the meeting of August 5,1981.)

Commissioner Sanchez said that at the last meeting many members of the Citizens Action League waited many hours to speak but because of another pressing matter they could not remain at that meeting and their item was continued to this meeting. He said to them, unfortunately, Commissioner Nelder is not in town tonight, but he wanted to relay his personal message to the Citizens Action League that he has talked with the Chief about their problems prior to the Chief's departure on his vacation, regarding the Task Force created to cope with the problems in the Citizen's Action League's area and that information on what has been done so far will be discussed at tonight's meeting.

Citizen Action League speakers were as follows:

Mozelle Lake, Henry Cormier, Mrs. Jenkins, Nefertiti Brown and Mr. L. J.Henderson.

All speakers indicated that an increase in numbers of police officers in their areas would go a long way in satisfying some of their demands.

Mr. Henderson then pointed out other specific demands which were as follows:

"The Commission to instruct Chief Murphy to reduce response time to calls for service; to set up recruitment centers in Potrero and Ingleside Districts once a week for hiring minority officers; clean up the trouble spots such as

Oceanview Park, Bayview Opera House, Brighton, and Holloway; and Hollister, and 3rd Street to LaSalle, and 3rd Street; to create one more patrol car in Potrero and Ingleside Districts; to assign 20 more officers to Potrero and 20 more for Ingleside."

Deputy Chief Shannon said as far as the recruitment centers are concerned that his demand could be easily met. He said a Recruitment Program would begin in about three months and will be carried out in the manner requested by the Citizen Action League in those areas.

Commissioner Sanchez then called upon Commander Ray Canepa who is in charge of the Task Force created specifically to combat the crime problems in those areas, to give an overview to the Commission and the members of the Citizens Action League, as to just what the Task Force has accomplished since its inception.

Commander Canepa said in the Potrero, as of August, there has been two foot patrolmen assigned to Third Street for the day watch and swing watch. He said the undercover burglary units would also come into play along with increased visible patrol units.

After going through a number of methods instituted to combat the problem, he said in addition to all of this the Department's Narcotic's Detail will be permitted an extra 100 hours overtime which is committed specifically to this project.

After Commander Canepa finished, Police Officer John Seidler from Community Relations also spoke of the things the Community Relations Unit were doing to combat the problems.

He then introduced Officer Art Tapia who, he said, has been working intensely with the Recreation and Park Department to alleviate those problems in the Oceanview Park and surrounding neighborhood areas.

Officer Tapia then submitted a report of the progress being made in the area. He said the Park Officials and many neighborhood organizations were pleased with the methods now instituted by the department and that there had been a substantial improvement in patrol and patrol functions in that area.

Mrs. Nefertiti Brown then responded by saying nothing, absolutely nothing has been done to improve the conditions in these areas. She then said she would like to present the Commission with this item, an item which she felt the Communities are being given by the Department, which is a Red Herring Award.

Commissioner Sanchez thanked all of those Citizen Action League people attending the meeting and said as far as he was concerned there has been a response by the Department which has really been instrumental because of the fact that they have listened closely to many of the Citizen Action League's concerns. He said to verify this, some members of the Citizen Action League stated that there had been some improvement in those areas. He said, basically, the Department is trying to ensure that the lines of communication remain open pertaining to this problem. He said the Commission will take recommendations that the Citizen Action League has referred to and refer them to the Task Force which is now operational to alleviate those problems. He said there will be additional meetings and that there will be a report on the utilization of the Police Academy as far as opening up community areas, including recruitment and all of the items the Citizen Action League has raised tonight.

The Commission then allowed three other speakers to speak at this time on different subjects not on the Commission Agenda.

Crown Prince Arcadia, said that the Commission, Community Relations and Citizen Action League should be encouraging Caretakers; to adopt a caretaker, because until there are enough policemen, people will have to take care of each other.

Ms. Janice Orr Cramer (aka Cosmic Lady) said she had been a messenger for a decade telling people that the system the world is in now is killing everyone. She said everyone is now coming to a peaceful situation based on the people taking care of their planet.

Mr. Julius Zamacona said that he has worked in the Mission as a Civilian Police Community Relations member and that he had heard the testimony tonight and he said he knew what was going on because he had been to some of the meetings mentioned by Officer Tapia. He said he was not trying to knock anyone but the people themselves must get involved.

Commissioner Sanchez then asked if there were any other comments or reports by the Commission?

Commissioner Murphy said she had one: "I hope Mr. Lipsett is here, is he? Yes, I see, in any event, yes, would you like to come up Hal, please."

Commissioner Sanchez: "Commissioner Murphy, before we proceed, is this an item that is calendared or what?"

Commissioner Murphy: "No, it is under the Commission's Report."

Commissioner Sanchez: "Will you tell us what this Commission item is so that if we are going to have speakers on it we would like to know what the ground rules are."

Commissioner Murphy: "I was just about to do it."

Commissioner Sanchez: "Fine, why don't we do that before we have speakers, thank you."

Commissioner Murphy: "I just wanted to know if he was here. I think there was some question about what was intended when we passed, the other day, the motion that we have a Civilian Investigator as an aide to the Commission working out of the Commission Office and so on. I would like to clarify that and have the other Commissioners who voted for it add to it if they wished to. My idea, and I think that of the others, was we would have someone on the Commission Staff to help us to evaluate the reports that are made by the Internal Affairs Bureau.

If you recall, one of the investigation proposals that the Chief made, or his group of officers made to him and he made to us, was that we review, more precisely than we have in the past, the work of the Internal Affairs Bureau reports. Not only the complaints, we would review those, but we would also review the reports of the complaints.

It seems to me and the others, I believe, that this will require a certain technique and knowledge that we do not necessarily have. I am sure Commissioner Nelder has it because he has been a police investigator. But the rest of us probably haven't that kind of expertise and more particularly the time. This person is not conceived as someone who would go out and make investigations, except under very unusual circumstances. He is not conceived as a person who would do anytning except do some of the Staff work around the investigations and reports that are made for us.

Mr. Lipsett called me and asked if something like I have stated above was what we wanted, and I said yes. He felt it was very important that we have just the right person to fill this job. He then offered to help us develop the Specs that would have to go to the Civil Service Commission, etc., and to help select the kind of person we want that has that expertise.

It isn't the fact that he or she is an investigator, the fact that the person employed has the knowledge of an investigator in order to be helpful to the Commission.

He also offered to help in the interim, pro bono, and I think this help should be considered in the interim, because it will be several weeks before we could hire such a person and get it through the Civil Service Commission.

He said that he would be glad to help us look at the reports and help us to see what we need to have to help us make those reports viable and foolproof in a sense. That is why I would like to ask him if he would like to come forward and discuss that briefly, or if others have questions about it."

Commissioner Sanchez: "Commissioner Murphy, I would like to respond as Chair of this Commission. There was a vote taken last week that the Commission voted upon and as you know the Commission forwarded all of the recommendations to the Mayor of this City and she, in essence, I believe, wrote a response to the Board of Supervisors. And even though some of us, as individual members of this Commission, may disagree at a given vote, the fact of the matter is the Commission operates by our rules and procedures and I think this has to be the highest accord per se. I know other Commissioners, I know Commissioner Nelder, I know I, myself, have received various calls from Schools of Criminology, from Law Schools, pertaining to additional input. As far as what, in fact, does the Commission mean pertaining to quote, 'Senior Investigator' positions sworn and unsworn, for example, civil service status, or quote 'contract, or contract out services, etcetera,' and my response is the Commission has not yet discussed it per se, because it was just voted upon.

The Chief will be back next week. We will have a full Commission at that point. I'd be more than happy to calendar it if, in fact, the Commission wishes to do so for discussion at the next meeting and this is the way I, as Chairman of the Commission, operate. If, in fact, there is a consensus by the Commission to move this item and to put it on calendar, I would be more than happy to entertain such a motion and set it up for discussion next week by the Commission when we can have input by all of the members of the Commission, including also, the Chief of Police, who I beleive,

has directed Staff to raise some questions which will have to be reviewed and discussed as to what the Commission should do. I am not saying this to say, in essence, I don't appreciate Mr. Lipsett being here or not here. What I am saying is that the process of the Commission itself has to be clarified again. This is not a so-called item on the agenda. I think it is the highest significance because the Commission has voted this as part of its policy. If, in fact, we wish to calendar this for next week, I would be glad to do so but at this point I would not want to open it up to, quote, 'discussions from individuals,' because, in fact, other individuals have also inquired, who also, I am sure, have distinguished credentials like Mr. Lipsett, etcetera, etcetera, but were told to wait until such time as this is put on the Commission's Calendar, and if they wish to submit something in writing, or basically, to address the Commission, that is their right, but again, I am only the Chair and I go according to the Rules and Regulations of the Commission. If there is a vote to calendar this for next week, I would certainly support it, if there isn't, then that is up to the Commission."

Commissioner Murphy: "Well, I would just like to say this. I had no idea that Commissioner Nelder was not going to be here, as a matter of fact, I didn't even know that the Chief wasn't going to be here. I knew that he was on vacation, but I didn't know whether he would be back or not.

I think this is not certainly the last, my lord, we are certainly going to have to obviously talk about it a great deal from a variety of sources and that's one of the reasons I would like to get started. Maybe I did overstep my authority as not being President of the Commission, but I don't think it would hurt to hear, briefly, and I certainly would like to move that we put it on calendar next week also."

Commissioner Sanchez: "Well, suppose we do one thing at a time. Suppose we move that it be put on calendar for next week. Is there a motion for that?"

Commissioner Toler: "I will not be here next week, I voted for it, and I sure would like to be here when it is discussed, but I had no idea it would be coming up tonight before us."

Commissioner Sanchez: "You didn't know it was

coming up tonight either Commissioner? Well, okay. Is there a motion to hold this matter over so this way we can have both the Department's review, I think the Department's already started an initial review pertaining to staus classification, etcetera, and if we could hold this matter over two weeks, will everybody be here two weeks from tonight?"

Commissioner Toler: "I will be here two weeks from tonight."

Commissioner Sanchez: "Commissioner Daly?"

Commissioner Daly: "Yes."

Commissioner Sanchez: "Why don't we calendar... okay there is a motion....."

Commissioner,Murphy: "Will the Chief be back?"

Commissioner Sanchez: "He will be back, I think, Friday. Okay, there is a motion for two weeks?"

Commissioner Toler: "Second."

Commissioner Sanchez: "All in favor say, Aye. (Unanimous Ayes), Opposed? Okay, this item is calendared for two weeks."

Commissioner Murphy: "Alright, now just a minute, well let's...it wouldn't hurt the Department in their review and so on to hear from somebody that knows a great deal about investigations. I do say this, that Mr. Lipsett also agreed...suggested that he might meet with the Chief and the Staff that are working on this, and I think that would be very helpful. I still think as long as he came down we might hear briefly from him so we'd have some idea of what he had in mind. I certainly would like to because we didn't discuss it too intimately and it won't take very long."

Commissioner Sanchez: "Commissioner Murphy, I..I. ..with great respect, I do appreciate your comments. I feel there is a process for this Commission, and I think, of matters pertaining to this, if you would have called us, and if we could have polled, basically, the Commission before, we could have had Mr. Lipsett here, along with a number of other people from institutions of higher learning, Schools of Law, of Criminology, who would have liked to have been here this evening to give us quote,

'their impartial insight,' about how other law enforcement agencies also work. If, in fact, we do it for one person and not for others, I feel, in essence, the Commission is violating our Rules and Procedures.

As an example, we had people here who sat for two hours last week. We held them over until tonight. We put them on the agenda, and we had them as the first item on the agenda. We could do the same for this two weeks from now, but again, I would rule you out of order for saying that, but if, in fact, the Commission wishes to do otherwise, I am open for that."

Commissioner Murphy: "I didn't poll anyone. I did tell Lieutenant Frazier that I was going to do this. Since it wasn't calendared, and it wasn't time to calendar it, and I think that in the past, individual Commissioners have put things on the calendar without taking a vote on it that it was going to happen, that I was going to ask him anyway, and I certainly don't think this is the end of it, and I hope it isn't the end of his participation. I don't think it would take more than 5 minutes at the most to hear from him, and, as a courtesy, I would like to have that done. So, I will so move."

Commissioner Daly: "I will second that motion. I think it isn't the end of this discussion at all, it is just beginning. Mr. Lipsett is here. We've spent a lot of time debating on how much time we would be wasting. I just don't find any harm at all in having Mr. Lipsett speak."

Commissioner Sanchez: "Again, this is the Commission. We run by rules and regulations and if the motions carry, fine, as we abided by the others. I have no preference. The problem I have is one of process. Now there have been numerous people who have called, who have distinguished credentials, who would have been here this evening, etcetera. I said that I could not, as an individual member of the Commission, put them on the agenda per se. This matter was voted upon by the Commission last week. If, in fact, I did so, I know I voted against it, I would be circumventing, basically, the Commission without having at least some input or sharing with my colleagues. Therefore, we have a number of people also with credentials who will be speaking, and writing, and addressing the Commission when, in fact, this matter is calendared and it has been calendared for two weeks. If, in fact, we do it for one person and not for the other people, I think, in essence, we aren't following process and we are breaking our own process every time we have some item individual Commissioners

may, in essence, want to get through when, in fact, the Commission works as a democratic body and thats the way the system operates."

Commissioner Murphy: "Well, who says we are not going to hear from them? I hope we will hear from everybody that has some knowledge of this."

Commissioner Sanchez: "I know we will hear from everybody and I know, in essence, basically, Mr. Lipsett probably will be here, and perhaps we could direct the Chief after that to meet with him and others who wish to draft up guidelines, that's fine. But anyway, suppose we call for the question on this matter?"

Commissioner Murphy: "I call for the question."

Commissioner Sanchez: "All in favor say, Aye."

AYES: Commissioners Daly, Murphy

NAYS: Commissioners Toler, Sanchez

The motion to allow Mr. Lipsett to speak failed to pass.

Commissioner Sanchez: "Mr. Lipsett in, basically, due respect, we do look forward to your input. I know you have many, many constructive ideas that you would like to share with the Department and we look forward to them two weeks hence and apologize for the procedure matter, but I am sure you understand. Thank you."

CHIEF'S REPORT TO THE POLICE COMMISSION

No report was submitted at this meeting.

PUBLIC HEARING ON APPLICATIONS TO DETERMINE PUBLIC CONVENIENCE AND NECESSITY FOR THE ISSUANCE OF NEW JITNEY ROUTES. (CONTINUED FROM THE MEETING OF JUNE 3, 1981.) - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

PUBLIC HEARING OF SPECK CAB COMPANY'S RESPONSE TO THE PETITION OF THE VETERANS TAXICAB COMPANY AS TO ALLEGED VIOLATIONS OF PROPOSITION K. - CONTINUED FOR TWO (2) WEEKS.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 450-81

HEARING OF POLICE OFFICER SYLVIA DAVID, VICE CRIMES - NARCOTICS DIVISION

WHEREAS, the hearing of Police Officer Sylvia David, Vice Crimes-Narcotics Division, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. Robert Martin, Prosecutor for the Police Department, that the date for the hearing before the Police Commission be continued until September 2,1981, as the witnesses for the Prosecution were not available for this date; therefore be it

RESOLVED, that the hearing of the disciplinary charges filed against Police Officer Sylvia David, Vice Crimes, Narcotics Division, is set for Wednesday, September 2, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

SETTING OF DATE FOR HEARING IN THE MATTER OF OWNERSHIP BETWEEN CHARLES EVANS AND DOLORES LOVETT, PATROL SPECIAL BEAT NO. 83. - CONTINUED FOR ONE (1) WEEK.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 451-81

GENERAL ORDER NO. A-5, "ORGANIZATIONAL STRUCTURE AND FUNCTIONS." - APPROVED

RESOLVED, that the Police Commission hereby adopts General Order No. A-5, "Organizational Structure and Functions," for issuance.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 452-81

GENERAL ORDER NO. A-6, "DEFINITION OF TERMS." - APPROVED

RESOLVED, that Department General Order No. A-6, "Definition of Terms," is hereby approved for issuance.

AYES: Commissioners Daly, Toler, Muprhy, Sanchez

ABSENT: Commissioner Nelder

PUBLIC HEARING RELATIVE TO DEPARTMENT GENERAL ORDER NO. D-1, "GENERAL RULES OF CONDUCT." - CONTINUED FOR FOUR (4) WEEKS.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 453-81

AMENDMENT OF GENERAL ORDER NO. I-3, "CITATION AND RELEASE POLICY AND PROCEDURES." REVISED MAY 8,1981

RESOLVED, that the Police Commission

hereby adopts the amendment of General Order No. I-3, "Citation and Release Policy and Procedures, Section II. A,9:

> The person arrested is also charged with a felony, which would include offenses punishable as either a felony or a misdemeanor ("wobblers"). Do not cite "trailing" misdemeanors or infractions; book them with the felony charge(s).

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

RESOLUTION NO. 454-81

HEARING OF POLICE OFFICER LUCIEN R. SENHAUX, SOUTHERN POLICE STATION.

WHEREAS, the hearing of Police Officer Lucien R. Senhaux, Southern Police Station, was called, it having been set for this date; and

WHEREAS, a communication was received from Mr. George G. Walker, attorney for Police Officer Lucien R. Senhaux, requesting a continuance in this matter until such time as the criminal charges are resolved; therefore be it

RESOLVED, that a status report in the matter of Police Officer Lucien R. Senhaux, Southern Police Station, is hereby set for Wednesday, September 15, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Toler, Murphy, Sanchez

ABSENT: Commissioner Nelder

The Commission then adjourned its meeting at 7:50 p.m.

SECRETARY

19 AUGUST 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco did not hold their regular meeting on this date.

PRESENT: Commissioners Murphy, Sanchez

ABSENT: Commissioners Daly, Nelder, Toler

Commissioner Sanchez said the Commission did not have a quorum for tonight's meeting, therefore, a number of items would not be heard this evening but would be continued to the following week. However, he said, Vice President Jane Murphy and he, and the Chief would be making the Presentations of the Medal of Valor Awards to police officers and the Citizens Awards Presentation to citizens.

Commissioner Sanchez then continued by explaining the procedure in which the Medals of Valor were awarded to individual officers of the department.

Afterwards he congratulated the recipients, their families and the civilians who were to be awarded also for services above and beyond what is normally expected of those persons as far as the realization of equity in law enforcement services in the City and County of San Francisco.

He then called upon Commissioner Murphy, who was the Chairperson of the Medal of Valor Awards Meeting, for tonight's recipients.

Commissioner Murphy then made the following statement for the record: "Since I had the honor and privilege to preside at the session which awarded these Medals of Valor, these particular ones, I want to take this opportunity to make a statement. Over the past five years I have presided at quite a number of these sessions and I have always felt and said, this experience is one of the most rewarding a police commissioner has, and I feel very strongly about this.

While some of you may wonder about my stand relative to civilian input into the investigation of serious complaints against police officers, be assured that I do not believe there are more than a handful of officers who sometimes overstep the legal bounds rights in the use of force. I believe that most of the officers are conscientious, godfearing and brave human beings. Those who are being honored tonight for your outstanding bravery in the face of

terrible odds are an example of this. I have faith in you, I salute you, San Francisco is proud of you and San Francisco salutes you. Thank you.

PRESENTATION OF MEDAL OF VALOR AWARDS AND CERTIFICATES

The following-named members of the Department were presented Medals of Valor and Certificates by Commissioner Murphy:

Patrol Special Officer
James J. Kyne.....Gold Medal

Police Officer Larry P.
Barsetti.....Silver Medal

Police Officer Dennis A.
Meixner..,.....Silver Star

Sergeant William N. Welch.....Silver Medal

Inspector David J. Bowman.....Silver Medal

Inspector William J. Cahill...Silver Star

Police Officer James F. Hunt..Silver Medal

Inspector Ronald P. Kern.....Bronze Star

Police Officer Robert C.
Hernandez.....Bronze Star

Inspector Donald A. Fouke.....Bronze Star

Police Officer Richard G.
Alves.....Bronze Medal

Police Officer Frank A. Palma.Bronze Star

Police Officer Kevin P.
Dempsey.....Bronze Medal

Police Officer Rene J.
Mariluch.....Bronze Star

Police Officer Benny Fong.....Bronze Medal

Police Officer Wayne S. Hom...Bronze Medal

Police Officer Richard L.
Moses.....Bronze Star

Police Officer Willa M. Brown.Bronze Star

Police Officer Ronald (nmi)
Roth.....Bronze Medal

CITIZEN AWARD PRESENTATION

Chief Murphy: "Our department could not function without the selfless participation and assistance of the citizens of San Francisco and, as such, I have the privilege today of honoring several of these heroic men and women who have, with complete disregard for their own personal safety, intervened in serious criminal and life-threatening incidents successfully protecting the lives of others when, in several instances, receiving injuries themselves."

ROY HENDRICKSON

Mr. Hendrickson, while employed at a drug store, was held up at gun point. He wrestled the gun from the suspect. Even though the gun turned out to be a toy, it looked real enough to be used illegally posing a definite threat to anyone nearby.

CAPTAIN RICHARD SEIKE AND FIREFIGHTER GEORGE RIPOLL

Captain Seike and Firefighter Ripoll, both San Francisco Firemen, while on-duty at Firestation #2 heard a man screaming he had just been robbed. After a foot chase, they captured the suspect and forcibly detained him until the police arrived.

JOHN NEWMAN

John Newman, a P.A.L. cadet, was assualted by a shoplifter he was attempting to arrest. After a struggle he was able to detain the man until police units arrived.

WILBERT COLEMAN

Mr. Coleman, a bank employee, overheard two suspects threaten and rob a teller. Even though he had reason to believe the suspects were armed, Mr. Coleman chased the suspects from the bank onto a bus. He attempted to detain the suspects who fought him off and exited the bus. Mr. Coleman continued his pursuit on the street where he was again assaulted by one while the other escaped. Officers driving by observed the altercation and arrested the reamining suspect.

MARY GODFREY

Ms. Godfrey attempted to stop a suspect who had just robbed an elderly woman. Even though she was assaulted by the suspect, she continued to follow him until she lost sight of him. Ms. Godfrey then located a police officer and helped search the area until they found the suspect at which time he was placed under arrest.

ROBERT BENNETT

Robert Bennett, a high school student, heard scuffling noises and saw a suspect who was 6' 3" and outweighed him by a hundred pounds, beating one of the school teachers. Robert charged into the assailant probably breaking his ribs. The suspect then fled while Robert took the teacher to the hospital for treatment of multiple fractures of the facial bones.

SAMUEL PICAZO

Mr. Picazo saw a violent man who appeared mentally disturbed stop and grab a woman around the neck and proceeded to cut her throat with a razor. Mr. Picazo knocked the razor from the suspect's hand and detained him until the police arrived.

MICHAEL MENDELSON

Mr. Mendelson saw an emotionally distraught woman go to the guard rail on the 11th floor of his office building. He was able to prevent her attempted jump by physically restraining her. The woman was subsequently hospitalized for her own protection.

MR. ROBERT DUTTON AND MR.KURT CHUN

Mr. Dutton and Mr. Chun, ambulance stewards, arrived at the scene of a serious traffic accident where an unconscious victim was trapped in the wreckage. Despite all indications the vehicle involved could explode any minute, Mr. Dutton and Mr. Chun entered the wreckage and worked on stabilizing the victim until the San Francisco Fire Department arrived to free the injured party.

The Commission then adjourned its meeting at 6:45 p.m.

SECRETARY

26 AUGUST 1981 REGULAR MEETING

The Police Commission of the City and County of San Francisco met in their chambers, Room 551, Hall of Justice, 850 Bryant Street, on Wednesday, August 26, 1981 at 1700 hours in regular session.

PRESENT: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez presiding.

The Commissioners, having received, amended and returned copies of the minutes of the Police Commission meetings of July 29,1981 amd August 4, 1981, reading of same was dispensed with and the minutes were approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RECOMMENDATIONS OF THE TRAFFIC BUREAU - APPROVED

RESOLVED, that the recommendations of the Traffic Bureau on the installation of zoning for the regulation of traffic on the public streets, be, and the same are hereby approved:

1429 MENDELL - BAYVIEW-HUNTERSPOINT - AFFIRMATIVE ACTION

a) At 1429 Mendell, install a 22' blue zone, extending from 22' north of south property line.

b) Remove meter #1409.

2135 SUTTER STREET - MACEDONIA MISSIONARY BAPTIST CHURCH

a) At 2135 Sutter Street, install a 22' blue zone, extending from 16' west of the east property line to 38' west of same.

3409-24th STREET - VALENCIA DELI

a) At 3409-24th Street, install a 22' green zone, extending from 22' east of the west property line.

1800 FOLSOM STREET - CALIFORNIA PELLET COMPANY

a) At 1800 Folsom Street, install a 24' blue zone, extending from 90' to 114' south of the north property line.

2311 TARAVAL STREET - SOCIAL SECURITY OFFICE

a) At 2311 Taraval Street, install a 22' blue zone, extending from 22' west of the west curb line of 33rd Avenue.

1250 QUINTARA - CONGREGATION NER TAMID

a) At 1250 Quintara, install a 22' white zone, extending from 22' west of the east property line.

b) Revoke existing 29' white zone, extending from 15' to 54' east of 22nd Avenue.

2050 DIVISADERO STREET - OPPENHEIMER DELI

a) At 2050 Divisadero Street, install a 22' green zone, extending from south property line 22' north of same.

801 HOWARD STREET - SOUTH OF MARKET GROCERY

a) At 801 Howard Street, install a 22' yellow zone, extending from 6' to 28' west of east property line.

b) Remove meter #803.

3979-24th STREET - STREET LIGHT RECORDS - DENIED

a) At 3979-24th Street, install a 22' yellow zone, extending from 22' west of east property line. DENIED.

b) Remove meter #3951. DENIED.

4122-22nd STREET - S.F.P.D. - REVOKED

a) At 4122-22nd Street, revoke existing 22' green zone, extending from east building line to 22' west of same.

3339 STEINER STREET - S.F.P.D. - REVOKED

a) At 3339 Steiner Street, revoke existing 22' yellow zone, extending south of the north line of the building.

72 EDDY STREET - S.F.P.D. - REVOKED

a) At 72 Eddy Street, revoke existing 18' STLZ, extending from 48' to 66' east of Mason Street. (7A.M. - 1 P.M. Meter EDD 40.)

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

REVOKED

RESOLVED, that the recommendation of the Traffic Bureau on the revocation of 101 feet of white, green and yellow zones, at the parts of the City, at the locations submitted, be, and the same are hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 455-81

ARNETTE MOELLERICH

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Arnette Moellerich against the City and County of San Francisco in the sum of $180.69 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 30, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 456-81

MARILYN PATANE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Marilyn Patane against the City and County of San Francisco in the sum of $144.60 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: April 15, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 457-81

VAN AMERICAN NETWORK, INC.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Van American Network, Inc., against the City and County of San Francisco in the sum of $139.50 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 12, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 458-81

CALIFORNIA STATE AUTOMOBILE ASSOCIATION AND JOSEPH COSTA

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of the California State Automobile Association and Joseph Costa against the City and County of San Francisco in the sum of $742.07 as the result of a collision with a police vehicle, be, and the same is hereby approved.

Date of Accident: June 10, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 459-81

KAREN TONER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Karen Toner against the City and County of San Francisco in the sum of $124.44 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: June 6, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 460-81

SHARON WINEGER

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Sharon Wineger against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 9, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 461-81

DEBORAH A. HERNAS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Deborah A. Hernas against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: July 10,1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 462-81

PAUL O. ROOS

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Paul O. Roos against the City and County of San Francisco in the sum of $35.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 27, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 463-81

THOMAS L. PAYNE

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Thomas L. Payne against the City and County of San Francisco in the sum of $50.00 as the result of a faulty tow, be, and the same is hereby approved.

Date of Incident: June 22, 1981

AYES: Commissioners Daly, Nelder,Toler, Murphy, Sanchez

RESOLUTION NO. 464-81

ANGELO L. DELAPPI AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Angelo Delappi against the City and County of San Francisco in the sum of $500.00 in Superior Court Action No. 724-551 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: August 24, 1976

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 465-81

FRED LEE AND HIS ATTORNEY

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Fred Lee and his attorney against the City and County of San Francisco in the sum of $500.00 in Superior Court Action No. 729-819 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: December 7, 1976

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 466-81

HAROLD F. LANG,JR.

RESOLVED, that the recommendation of the City Attorney for settlement of the claim of Harold F. Lang, Jr., against the City and County of San Francisco in the sum of $533.10 in Small Claims Court Action No. 388-455 as the result of damages sustained, be, and the same is hereby approved.

Date of Incident: March 3, 1981

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 467-81

POLICE NARCOTIC FUND - APPROVED

RESOLVED, that the Controller, be, and he is hereby requested to draw a voucher in favor of Chief of Police Cornelius P. Murphy in the amount of $6,000.00 charging same to Index Code 580217 as an advance on the Police Narcotics Fund for the month of August, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 468-81

POLICE CONTINGENT FUND - APPROVED

RESOLVED, that the Controller, be, and he is hereby requested to draw a voucher in favor of Chief of Police Cornelius P. Murphy in the amount of $4,000.00 charging same to Index Code 580217 as an advance on the Police Contingent Fund for the month of August, 1981.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RETIREMENTS

Communications were received from the Retirement Board officially notifying the Police Commission of the retirement of the following-named members of the Police Department:

a) Captain John William Conroy, Ingleside Station, for service, effective August 13, 1981.

b) Lieutenant Robert C. Guenley, Northern Station, for service, effective July 15, 1981.

c) Sergeant Robert F. Dennison, Internal Affairs Bureau, for service, feective July 15, 1981.

d) Sergeant Charles R. White, Traffic Bureau, for service, effective July 15, 1981.

e) Inspector John A. Mino, Bureau of Investigations, for service,effective August 1, 1981.

f) Police Officer Ervin H. McKibbin, Richmond Station, for service, effective July 7, 1981.

The communications were ordered filed.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 469-81

AUTHORIZING ATTENDANCE OF SERGEANT/INSPECTORS WILLIAM J. CAHILL AND DAVID LAMBRECHT, GENERAL WORKS DETAIL, AND INSPECTORS JOHN A. WYDLER AND

INOCENTE CISNEROS, ROBBERY DETAIL, AT THE SPECIALIZED SURVEILLANCE EQUIPMENT TRAINING COURSE, AT SACRAMENTO, CALIFORNIA, FROM SEPTEMBER 14, 1981 TO SEPTEMBER 18, 1981

RESOLVED, that the recommendation of the Chief of Police that Sergeant/Inspectors William J. Cahill and David Lambrecht, General Works Detail, and Inspectors John A. Wydler and Inocente Cisneros, Robbery Detail, be detailed to attend the Specialized Surveillance Equipment Training Course at Sacramento, California, from September 14,1981 to September 18, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant/Inspectors Cahill and Lambrecht, and Inspectors Wydler and Cisneros, in a sum not to exceed $290.00 each, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 470-81

AUTHORIZING ATTENDANCE OF SERGEANT ALAN W. BENNER, RECRUITMENT AND RETENTION UNIT, AT A PRESENTATION ON PSYCHOLOGICAL SCREENING OF POLICE CANDIDATES AT LOS ANGELES, CALIFORNIA ON AUGUST 25, 1981

RESOLVED, that the recommendation of the Chief of Police that Sergeant Alan W. Benner, Recruitment and Retention Unit, be detailed to attend a Presentation on Psychological Screening of Police Candidates at Los Angeles, California on August 25, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeant Alan W. Benner in a sum not to exceed $160.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 471-81

AUTHORIZING ATTENDANCE OF SERGEANT JEROME A. DEFILIPPO, "S" SQUAD, AND SERGEANT ANTHONY NOVELLO, CENTRAL STATION, AT A SERGEANT'S SUPERVISORY COURSE AT PITTSBURGH, CALIFORNIA, FROM SEPTEMBER 14, 1981 TO SEPTEMBER 25, 1981.

RESOLVED, that the recommendation of the Chief of Police that Sergeant Jerome A. DeFilippo, "S" Squad, and Sergeant Anthony Novello, Central Station, be detailed to attend a Sergeant's Supervisory Course at Pittsburgh, California, from September 14, 1981 to September 25, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Sergeants DeFilippo and Novello, in a sum not to exceed $577.00 each, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 472-81

AUTHORIZING ATTENDANCE OF POLICE OFFICER ROBERT BRODNIK, VICE CRIMES-NARCOTICS DIVISION, AT A NARCOTIC INVESTIGATION COURSE AT SACRAMENTO, CALIFORNIA, FROM SEPTEMBER 13, 1981 TO SEPTEMBER 25, 1981

RESOLVED, that the recommendation of the Chief of Police that Police Officer Robert Brodnik, Vice Crimes-Narcotics Division, be detailed to attend a Narcotic Investigation Course at Sacramento, California, from September 13, 1981 to September 25, 1981, be, and the same is hereby approved; and be it further

RESOLVED, that expenses incurred by Police Officer Robert Brodnik, in a sum not to exceed $580.00, will be defrayed by the San Francisco Police Department's Police Officers' Training Fund.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

Commissioner Sanchez said a request to move up the Chief's Report would be granted at this time.

CHIEF'S REPORT TO THE POLICE COMMISSION

Presentation of Traffic Officer of the Month Award

Deputy Chief Shannon said that Officer Thomas E. Jones is the officer who has been selected as the Traffic Officer of the Month for the month of July. He then read the following:

"For his proficient and exemplary work record, logging over 220 moving violations in the month of June and over 1000 since the beginning of the year. Officer Jones entered the Police Department in December, 1969, and has served at the Potrero Station, Southern Station, and the Muni Transit Detail prior to being assigned to the motorcycle unit of the Traffic Division. Officer Jones has received two Bronze Medals of Valor, both awarded for disarming dangerous criminals while in complete disregard for his own personal safety. Tom is married and the proud father of a young daughter. He likes to remain active and enjoys sports of all kinds."

Deputy Chief Shannon then introduced Mr. Frank Simon from the Chamber of Commerce, who came forth and presented Officer Jones the award.

Mr. Simon then presented to Officer Jones, the first prize of dinner for two at Modesto Land Zones Restaurant on North Point. The second prize is dinner for two at Donatello's on Post Street, and the third prize is two evenings for Officer Jones and his quest at the Union Square Hyatt Regency and last, but not least, is a Billboard on Folsom and 8th Streets, that will have a reproduction of Officer Jones for the month August and September.

Commissioner Sanchez then spoke to Officer Jones and Mr. Simon, and said that on behalf of the San Francisco Police Commission he wished to thank the Chamber of Commerce and others for taking time out to thank the men and women of the San Francisco Police Department.

He then congratulated Officer Jones for this outstanding achievement.

POLICE COMMISSION REPORT

b) Discussion with members of the Citizens Action League. (Continued from the meeting of August 12, 1981)

Ms. Mozelle Lake of the Citizens Action League, introduced herself and then introduced others from the League present at today's meeting. She then said that this is the League's fourth appearance here and that there has, or has not, been improvements in their respective neighborhoods.

The speakers for the League were as follows:

Carmen Ponce de Leon, 2652 San Jose Avenue

Alice Prince, 1554 Jerrold Avenue

Mr. Shafer, Vice President of the Citizen's Action League, Bayview Branch

After the above speakers finished their presentations, Commander Canepa of the Field Operations Bureau, responded to the Citizen Action League's presentation. He gave an overview of just what the Department's specially created Task Force has done to combat the problems in those areas.

He said, so far, they have been able to effect 15 arrests and three citations. He said there has also been 82 arrest made in the target areas by the Muni Transit Police.

After further discussion Commander Canepa said in conclusion, that he didn't think that the Citizens Action League's demands for 20 more officers in each district is out of line. He said he felt that it is in the realm of possibility but the problem is, he said, he did not know where he could get them. But, he said, as soon as they come from the training companies they are going to go to the Potrero and Ingleside Stations. He continued by saying that there seems to be a communications problem and once that is solved, then everyone's concern will be more at ease.

Lieutenant Tim Thosen, Officer in Charge of Community Relations, also responded to the presentation made by members of the Citizens Action League. He said his unit has met with Captain Jordan, Park and Rec Leaders and neighbors from Oceanview and are attempting to put together a

Neighborhood Council in that area. He said also, as far as the Joseph Lee Center in the Bayview-Hunterspoint, Police Officer Terry Ivy of Community Relations has made arrangements to assist with a Get Back to School Event. He said she is also developing a Drug Prevention Presentation that will be given to persons in that area.

Thereafter, Commissioner Nelder said that rather than having all of the Citizen Action League members come in periodically to Commission Meetings, the Citizen Action League and the Police Community Relations Unit Commander, while both are present, should at this time exchange names and phone numbers where either can be contracted and then Lieutenant Thorsen could report to the Police Commission every 30 days rather than have all of the members of the Citizen Action League coming and reporting to the Commission. He said the Lieutenant could tell the Commission on those occasions exactly what progress is being made.

Commissioner Sanchez then thanked the members of the Citizen Action League for their presentation and called for the next item.

a) Discussion regarding proposed position of Sr. Civilian Investigator for the Police Commission.

Commissioner Sanchez: "Commissioner Murphy, do you wish to proceed on this?"

Commissioner Murphy: "Yes. This week Mr. Hal Lipsett who is a very well known private detective has met with the Chief and then with Captain Trueb, and has provided us with an outline on the kinds of things he thinks might be useful to us in designing this new position. And so I would like to have him come up and present his point of view, if he may, and also answer any questions we might have. This, I think you will agree, is a very, very sketchy skeleton outline."

Commissioner Sanchez: "Just to clarify this matter again. This matter was brought up, I think, two weeks ago and calendared for this evening under Police Commission Reports, and as Commissioner Murphy has said, she has been in contact with Mr. Lipsett and evidently he has some suggestions for the Commission pertaining to, according to here it says, 'Suggested duties of the Police Commission Investigator.'

The Commission has not received this material until now so there is nothing that has been programmed whereby the Commission has this to vote, or not vote.

This is a basic agenda item. Mr. Lipsett is here at the request of Commissioner Murphy and this is fine on the agenda item, so proceed."

Commissioner Nelder: "Before you proceed, let me ask Deputy Chief Shannon, is Sergeant Balzar here?"

Deputy Chief Shannon: "No Commissioner, he isn't."

Commissioner Nelder: "He is from the Planning and Research?"

Deputy Chief Shannon: "Yes Commissioner, he is."

Commissioner Nelder: "Fellow Commissioners, I think that Sergeant Balzar should be instructed to be in attendance at these meetings in the future so that he could assist in drawing up the requirements that we may eventually adopt. So Chief would you make that notification?"

Deputy Chief Shannon: "No problem at all Commissioners."

Commissioner Nelder: "If it is agreeable Commissioners?"

Commissioner Murphy: "Yes, I think so and I think also perhaps Captain Trueb should also be here because he is on the Task Force and worked on it with our Legal Department. Fine."

Hal Lipsett: "I think there is a little misunderstanding. I thought I was here at the request of the Police Commission and not for just one Commissioner, but in any event....."

Commissioner Murphy: "I thought you were too."

Hal Lipsett: "In any event, I only had read of the media reports of the Police Commission Recommendations after the various hearings were held on what was going to take place, I am referring specifically to the Internal Affairs Bureau activities and the Mayor's Task Force Reports. When I read the Media Report on what the Police Commission's Recommendations had been, I also read that this position had been created and that nobody apparently knew what this person would do on Staff if they were so chosen.

I just offered my services to Commissioner Murphy to assist in any way just as a public-spirited citizen whose made his living in the city for 35 years.

I attended the meeting at the last hearing only to reiterate my availability to act as a consultant, or assistant, or give you any input you might want since outside of Commissioner Nelder, I didn't think anybody on the Commission had investigative expertise. And you are looking for that sort of person, and as I understand it, without a tremendous law enforcement tie to the community. And after what happened two weeks ago I did take the time to read the Task Force Recommendations Police Department, which I certainly think are very well done. And I put together, as you say, that small outline that you have in front of you. I certainly agree that you would all need time to study it and to do anything further from it, I only want you to know that I an available if you need me and I think I can speak for the California Association of Licensed Investigators. I have consulted with the Administrative Vice President who resides in the areas immediately of the former past President and the rest of the Private Investigators in San Francisco and the Bay Area who also would be only too pleased to assist in any way. I just want to make it perfectly clear that I am not asking for the job on Staff, but I do think you might need some help in that and that is why I took the time to do what I did. Thank you.

I assume that nobody would have any questions at this time."

Commissioner Sanchez: "Does anyone have any questions?"

Commissioner Nelder: "Well, I have a copy of the submission that you have made and actually what we are pursuing at this time, we are just starting out, so we are trying to figure out just exactly where this individual would fit and then, of course, what abilities that person would require. So I certainly appreciate your contribution.."

Hal Lipsett: "I did take the time to meet with Captain Trueb whom I know, to go over this, and we both seemed to think that it fit the Commission's requirements."

Commissioner Nelder: "And I would, in case I forget to do it fellow Commissioners, suggest that a copy of this be submitted to Sergeant Balzar for his study, too, in Planning and Research."

Commissioner Murphy: "I agree with that. I also agree that we should continue to...it is a very important job if the person selected is good it could make a great difference in the work of the Commission if they are mediocre, or just well meaning but not very astute, it could mean that the whole project could fail, and I hope it doesn't fail. It has been something I think that is very important to have done properly. Have you any ideas now Mr. Lipsett? I think there is one thing that Captain Trueb pointed out, that is to quote 'review all investigations involving police interaction with members of the public except those cases recommended for disciplinary action..' Would that mean that where there is a complaint that is going to come to the Commission?"

Hal Lipsett: "Yes, yes."

Commissioner Murphy: "And they would not necessarily review those?"

Hal Lipsett: "Well, that might...you would be acting as a Court of Inquiry and it might prejudice your findings. I think the question would be, and I haven't made a study of the Commission, and I assume that if my offer to consult was accepted, that we would have some discussions, but we added that in my conference with Captain Trueb, because it would be a question, it might be well for your investigator to have looked that over and be prepared to answer questions that you might have pertaining to the quality of the report when it comes to you at that time. And it might well behoove him to have looked into it, but we also figured that person is going to have a lot to do. If that Staff Investigator can do what's on here we'll all be very happy."

Commissioner Sanchez: "Fine, do we have further questions of Mr. Lipsett pertaining to his...."

Commissioner Murphy: "I have one more, if I may. What sort of person do you envisage in, just a sort of thumbnail sketch, of the type of person that you would envisage being good at this job or are you willing to talk about it now? You may not feel you should, I don't know."

Hal Lipsett: "I think it would require somebody certainly of maturity, since they are going to have to deal at all levels. I would think we woudl be best advised, I would think, to look for somebody who had retired from possibly from an Armed Services Group that had been in the investigative field or some other part of the government service. It depends on who's available at the time you are recruiting. I don't see why it couldn't be a woman as well as a man."

Commissioner Murphy: "Thank you."

Commissioner Toler: "You mentioned the army, what about the police departments,maybe outside of San Francisco?"

Hal Lipsett: "Well, of course, yes, you would have to set up some guidelines for a radius, for instance, but I understood the thrust of the idea was to try and have a non-police investigator. That is not, not certainly not a San Francisco Police Officer, but I think you would want to get fairly far away from the area you recruited him/her from."

Commissioner Toler: "Thank you."

Commissioner Murphy: "And you would be willing to help any group that's working on this, like Sergeant Balzar, and possibly a member of the Commission, or somebody else that might be willing to work?"

Hal Lipsett: "Yes Commissioner, I have served on Boards for choosing investigators for the Public Defenders Office, the Oakland Public Defender and the Marin County Public Defenders and District Attornies Investigators. I have had some experience in it."

Commissioner Sanchez: "Any further comments or questions from the Commission?"

Commissioner Daly: "Yes, I have one. It so happens that we saw a first draft and now I see a second draft and under Section III(b), the word, 'complete' it was saying, 'perform complete investigation if deemed necessary.' Mr. Lipsett what's the difference between an investigation and a complete investigation?"

Hal Lipsett: "Depending on who's doing it, I guess. In my discussion with Captain Trueb he found that the word complete bothered him and since I didn't want to have a feeling of not cooperating everywhere along the line I took the word 'complete' out. I don't think it added anything or detracts anything from it."

Commissioner Daly: "Thank you."

Commissioner Sanchez: "Fine, are there further comments or questions? I would just like to ask, I have thought about this whenever I have discussed it, are there other parts of the country whereby they contract out investigative types of service? I mean as an example, I know in the Department of Public Health with illnesses, injuries, etcetera, the State Department, the Feds, etcetera, sometimes contract out the investigative services to find out if, in fact, it's a valid injury or not, etcetera, etcetera. It's all done in confidence. There is a high degree of competency there. Has this been used in other Police Commission systems that you know of, or is it something that we should at least consider?"

Hal Lipsett: "It's certainly worth considering at this point. It is going to take a long time to create a Civil Service position, I think. That's not done overnight and I don't know if you want this person in a Civil Service capacity to serve under the Police Commission. It all depends on how that is going to be worked out. But they are contracting out this kind of work in many fields. They even have contract lawyers working for various police departments and in other areas. There are not very many Police Commissions that have a Staff Investigator that I know of. I know that they have added some investigative staff to the Police Commission in Los Angeles and I don't know if that is being contracted. Do you Commissioner Nelder?"

Commissioner Nelder: "No, they work a little differently than from the way this department works. They try their errant officers by their peers, captains, lieutenants, sergeants and patrolmen."

Hal Lipsett: "In criminal matters where a lawyer is assigned, not the Public Defender's Office, but a private lawyer is assigned to handle a particular criminal case, the judge then also allows investigative fees and that is a contract-type of job by the job. It certainly could be done here."

Commissioner Murphy: "I think we have pretty well decided, haven't we, that this would not be a Civil Service position, that it would be an exempt position, if we could make it."

Commissioner Nelder: "I don't think we have really gotten that far yet."

Commissioner Murphy: "Well, you weren't here. We did talk about it as a possibility."

Deputy Chief Shannon: "Commissioners, I think what you were talking about was the difference between a Civil Service position in which you take an examination, and an exempt position where you would set up the qualifications, criteria,and then you would make the choice based on that criteria."

Hal Lipsett: "You certainly could have a panel of 4 or 5 investigators that were available to you at any time and I am sure that many of them would work at a reduced fee because it is a public matter. Same rate as the Commissioners get perhaps. Thank you very much."

Commissioner Sanchez: "I would just like to clarify one thing that I know has been cited in the press, even by some of my colleagues on the Commission pertaining to, I guess, a statement I had been quoted as saying, which, in fact, was true when the vote was taken for this one Senior Investigator, I said, in essence, I really did not know what that Senior Investigator would do and I still don't in reference to my own mind. Number one because we had voted for the recommendations before that which, in essence, meant that we would have additional Staff in the Commission Office itself, we would have utilization of, basically, an attorney who would be assigned to Legal Staff and we were just trying to differentiate the task of those two positions, and now we have the additional one which I didn't vote for, but that is beside the point, but I certainly support it because it is the wish of the Commission. And if we are going to have him which we will have, it will be, hopefully, the one who has the greatest competency and can provide that type of service once we, in fact, as a Commission, decide what, in fact, the job specs are, etcetera, etcetera. So, I just wanted to clear that up because I know there has been a lot of dissemination on that. Basically, do we have further questions or comments of Mr. Lipsett pertaining to his outline?"

Commissioner Murphy: "Mr. Lipsett, I want to thank you for coming again."

Other persons who wanted to speak and were permitted to do so were as follows:

Mr. William Tocco, San Francisco, took issue with the Commission for not allowing Mr. Lipsett to speak at a previous meeting and he also said this put Commissioner Murphy in an embarrassing position and that he thought she was due an apology from Commissioner Sanchez.

Mr. Ralph Maloney, Tiburon, California. Mr Maloney introduced himself as a former Police Commissioner in Elk Grove Village, Illinois, and suggested, among other things, that the Civilian Investigator position should be filled by a person who has had prior Law Enforcement experience and in addendum to that, have a law degree.

After hearing all of the testimony presented by the above-named parties, Commissioner Murphy said that she would like to clarify the concept of the position of the Civilian Investigator. She said she did not foresee this person as using their investigative techniques except on very rare occasions, such as going out and interviewing witnesses. She said she felt he/she would be acting as a Staff Aide to the Commission, to analyze the IAB completed investigations of complaints and reports, and indicate to the Commission as to their completeness and thoroughness.

Commissioner Sanchez then thanked everyone for their participation and called for the next item.

RESOLUTION NO. 476-81

REQUEST OF MR. EUGENE BRENNER TO SUSPEND OPERATION OF HIS JITNEY BUS PERMIT FROM JULY 28, 1981 TO OCTOBER 26, 1981 - APPROVED

WHEREAS, Mr. Eugene Brenner has requested that permission be granted to suspend operation of his Motor Vehicle for Hire Permit from July 28, 1981 to October 26, 1981; and

WHEREAS, Mr. Brenner did not appear because of illness and was not represented by counsel; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Mr. Eugene Brenner for permission to suspend operation of his Motor Vehicle for Hire Permit from July 28, 1981 to October 26, 1981, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 477-81

REQUEST OF ARISTEO PELAYO FOR PERMISSION TO INCREASE THE PASSENGER CAPACITY OF HIS JITNEY BUS

FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS - APPROVED

WHEREAS, Mr. Aristeo Pelayo requested by letter a hearing before the Police Commission for permission to increase his passenger capacity from twelve (12) passengers to fifteen (15) passenger; and

WHEREAS, the Police Commission, after hearing a favorable report from the Police Department's Permit Bureau regarding Aristeo Pelayo's capability of increasing his passenger capacity and of having purchased the appropriate amount of insurance to cover such increase, approves Mr. Pelayo's request; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Aristeo Pelayo for permission to increase his Jitney Bus passenger capacity from twelve (12) passengers to fifteen (15) passengers, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO.478-81

REQUEST OF ARMANDO E. PEREZ FOR PERMISSION TO INCREASE THE PASSENGER CAPACITY OF HIS JITNEY BUS FROM TWELVE (12) PASSENGERS TO FIFTEEN (15) PASSENGERS - APPROVED

WHEREAS, Mr. Armando E. Perez requested by letter a hearing before the Police Commission for permission to increase his passenger cqpacity from twelve (12) passengers to fifteen (15) passengers; and

WHEREAS, the Police Commission, after hearing a favorable report from the Police Department's Permit Bureau, regarding Armando E. Perez' capability of increasing his passenger capacity and of having purchased the appropriate amount of insurance to cover such increase, approves Mr. Perez' request; therefore be it

RESOLVED, that it is the order of the Police Commission that the request of Armando E. Perez for permission to increase his Jitney Bus passenger capacity from twelve (12) passengers to fifteen

(15) passengers, be, and the same is hereby approved.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 479-81

SETTING OF DATE FOR HEARING OF INSPECTOR WILLIAM C. BIGARANI, BUREAU OF INVESTIGATIONS

WHEREAS, the setting of the date for the hearing of disciplinary charges filed against Inspector William C. Bigarani, Bureau of Investigations, was called, it having been set for this date; and

WHEREAS, it was requested by Mr. William T. Beirne, attorney for Inspector William C. Bigarani, that the date for the hearing be set after August 17, 1981, at which time the Court proceedings will have been adjudicated; therefore be it

RESOLVED, that the date for the hearing of the disciplinary charges filed against Inspector William C. Bigarani, Bureau of Investigations, is set for Wednesday, September 30, 1981 at 5:00 p.m., in Room 551, Hall of Justice.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 480-81

PATROL SPECIAL OFFICER JOHN E. BAIN - REVOKED

RESOLVED, that the appointment of Patrol Special Officer John E. Bain, Beat No. 75, Richmond Police District, be, and the same is hereby revoked effective August 26, 1981, he having sold his beat to Patrol Special Officer Elbert Taylor.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 481-81

PATROL SPECIAL OFFICER ELBERT TAYLOR - APPROVED

RESOLVED, that Patrol Special Officer Elbert Taylor is hereby appointed Patrol Special Officer for Beat No. 75, Richmond Police District; said appointment effective August 26, 1981, Patrol Special Officer Elbert Taylor having purchased Beat No. 75, from Patrol Special Officer John E. Bain.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 482-81

PATROL SPECIAL OFFICER CHARLES EVANS - REVOKED

RESOLVED, that the appointment of Patrol Special Officer Charles Evans, Beat No. 83, Northern Police District, be, and the same is hereby revoked effective August 26, 1981, he having sold his beat to Patrol Special Officer Delores Lovett.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 483-81

PATROL SPECIAL OFFICER DELORES LOVETT - APPROVED

RESOLVED, that Patrol Special Officer Delores Lovett is hereby appointed Patrol Special Officer for Beat No. 83, Northern Police District; said appointment effective August 26, 1981, Patrol Special Officer Delores Lovett having purchased Beat No. 83, from Patrol Special Officer Charles Evans.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

PUBLIC HEARING OF SPECK CAB COMPANY'S RESPONSE TO THE PETITION OF THE VETERANS TAXICAB COMPANY AS TO

ALLEGED VIOLATIONS OF PROPOSITION K. (CONTINUED FROM THE MEETING OF AUGUST 12,1981.)

Commissioner Sanchez said this matter was sent to the Commission a number of months ago and is now going to be heard. Present is Mr. Steve Diaz of the City Attorney's Office, who will comment on the nature of the proceedings and then upon the questions presented by these proceedings.

Mr. Diaz then said that this matter is being heard by the Commission under its powers pursuant to Section 4(a) of Proposition K, which permits the Commission, for good cause to revoke any permits which have been granted pursuant to Proposition K. He said in this case, although it is not entirely certain, it would seem that the Veteran Petitioners addressed themselves to a possible violation of Section 5 of Proposition K which prohibits certain transfers of assets by Cooperate Permittees.

He then said that the Police Commission is not the proper forum to resolve private contractual disputes between aggrieved parties.

Mr. Wayne Canterbury, attorney for Veterans, and Mr. Robert W. Tollen, representing Speck Cab Company, presented their particular views and interpretations of the legislation of Proposition K and the particular section involving their respective positions.

After listening to presentations of all parties to the issue, the Commission then noted that it was in the position of accepting a complaint in this matter which will be referred to Department Staff for investigation of possible violations of Section 4(a) and 5 of Proposition K and they are to complete a comprehensive investigation of the matter as soon as possible, and upon completion, return it to the Police Commission with findings and recommendations on Wednesday, October 14, 1981 at the regularly scheduled Police Commission Meeting.

Mr. Steven Diaz also said he would respond with a written interpretation as to the questions raised on this issue to the Commission on October 5, 1981, for their information and further clarification as to their jurisdiction in this issue.

(These entire proceedings were taken in shorthand form by Hearing Reporter Marie Boles, C.S.R.)

RESOLUTION NO. 473-81

RECOMMENDATIONS OF THE AWARDS COMMITTEE - APPROVED

RESOLVED, that the following-named members of the Police Department, be, and they are hereby granted Awards of Valor - Silver Medal, Bronze Medal, and Meritorious Conduct Award, under the provisions of Sections 5.119 and 5.131 of the Rules and Procedures of the San Francisco Police Department, as approved by the Awards Committee on Friday, August 21, 1981:

Sergeant Michael O'Connell.....Silver Medal of Valor

Sergeant John C. Kristovich (Retired).....Silver Medal of Valor

Inspector Ronald P. Kern.....Silver Medal of Valor

Inspector John S. Sterling.....Silver Medal of Valor

Inspector Richard R. Weick.....Silver Medal of Valor

Police Officer Beth P. Dulay...Silver Medal of Valor

Police Officer Lois Kwan-Leong.Silver Medal of Valor

Police Officer Kenneth J. Mathis.....Silver Medal of Valor

Police Officer Paul M. Sanchez.Silver Medal of Valor

Police Officer Johnny Velasquez.....Silver Medal of Valor

Inspector Bruce G. Lorin.....Bronze Medal of Valor

Police Officer William D. Canning.....Bronze Medal of Valor

Police Officer John P. Carroll.Bronze Medal of Valor

Police Officer Michael P. Collins...Bronze Medal of Valor

Police Officer Gary P. Delagnes.....Bronze Medal of Valor

Police Officer Joseph F. Engler.....Bronze Medal of Valor

Police Officer David W. Horton.....Bronze Medal of Valor

Police Officer John A. Mino....Bronze Medal of Valor

Police Officer Rod M. Nakanishi.....Bronze Medal of Valor

Police Officer Richard D. Reyes.....Bronze Medal of Valor

Police Officer Robert A. Srock.....Bronze Medal of Valor

Police Officer Daniel R. Toomey.....Bronze Medal of Valor

Police Officer Marshall E. Wong.....Bronze Medal of Valor

Inspector Inocente V. Cisneros.....Meritorious Conduct Award

Inspector John A. Wydler.....Meritorious Conduct Award

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 474-81

REWARDS GRANTED TO MEMBERS OF THE POLICE DEPARTMENT

WHEREAS, the following-named members of the Police Department have been commended for courageous service under the provisions of Sections 5.119 and 5.131 of the Rules and Procedures of the San Francisco Police Department at a meeting of the Police Commission on Wednesday, August 26,1981; and

WHEREAS, Chief of Police Cornelius P. Murphy, has recommended to the Police Commission that the said members be rewarded under the provisions of Section 8.405(a)(4) of the Charter of the City and County of San Francisco; therefore be it

RESOLVED, that Sergeant Michael O'Connell, Sergeant John C. Kristovich (Retired), Inspectors Ronald P. Kern, John S. Sterling, Richard R. Weick, Police Officers Beth P. Dulay, Lois Kwan-Leong, Kenneth J. Mathis, Paul M. Sanchez, and Johnny Velasquez, be, and they are hereby awarded Silver Medals of Valor and granted a reward of $100.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Inspector Bruce G. Lorin, Police Officers William D. Canning, John P. Carroll,

Michael P. Collins, Gary P. Delagnes, Joseph F. Engler, David W. Horton, John A. Mino, Rod M. Nakanishi, Richard D. Reyes, Robert A. Srock, Daniel R. Toomey, and Marshall E. Wong, be, and they are hereby awarded Bronze Medals of Valor and granted a reward of $50.00 each, as provided for under said section of the Charter; and be it further

RESOLVED, that Inspectors Inocente V. Cisneros and John A. Wydler, be, and they are hereby awarded Meritorious Conduct Awards and granted a reward of $50.00 each, as provided for under said section of the Charter.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

RESOLUTION NO. 475-81

REQUEST FOR A SUPPLEMENTAL APPROPRIATION WHICH INCORPORATES A 1.2% COST-OF-LIVING ALLOWANCE INTO THE EARLIER APPROVED REQUEST COVERING A 13.24% INCREASE IN THE COST OF SWORN SALARIES.

RESOLVED, that the Police Commission hereby approves a Request for a Supplemental Appropriation in the amount of $12,845,582 for the purpose of funding an increase in the cost of sworn salaries. The greater expense is due to the granting of:

1. A pay raise of 13.24% as the result of a salary survey; and

2. A cost-of-living-allowance of 1.2%.

AYES: Commissioners Daly, Nelder, Toler, Murphy, Sanchez

The Commission then adjourned its meeting at 9:18 p.m.

SECRETARY

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